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JOHN AND MARTHA DANIELS

CANUTE

THE

HISTORY OF DUELLING:

INCLUDING,

NARRATIVES

OF THE MOST

REMARKABLE PERSONAL ENCOUNTERS

THAT HAVE TAKEN PLACE FROM THE EARLIEST PERIOD

TO THE PRESENT TIME.

BY

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HISTORY OF DUELLING.

CHAPTER I.

DUELS IN GREAT BRITAIN.

In the beginning of this work an account has been given of various traditional trials by combat and judicial ordeals, marked with a similar character of brutality and superstition to that which distinguished similar meetings in France and other countries; and it has also been observed, that it appears evident that personal combats were brought into vogue in England by the followers of William the Conqueror. But the barbarous practice of trial by battle was modified in our island by various circumstances, and was chiefly applied to three special cases—The decision of causes in a military Court of Chivalry; Appeals of felony; and civil cases upon issue joined in a writ of right. This last ordeal, until the reign of Henry II, was the only mode of decision.

According to the maxim of the law of England, there is no rule more distinctly stated than that slaying, in a deliberate duel, is wilful murder; yet at all times considerable difficulties have arisen in this admission and construction.

The word *murdrum* appears to have been first used in the time of Canute; and was, according to Relyng, a term or description of a homicide committed in the worst manner. The presumption was, that the victim was a *Dane*, and that he was killed secretly and treacherously. If the murderer could not be found, the *ville* or hundred was amerced, and this fine was called *murdrum*. After the expulsion of the Danes, this law became a dead letter, until revived after the Conquest by William, when it was applied to the assassination of a Norman, or any Frenchman. In the reign of Henry III, the term murder was applied to the private slaying of any man, there being none present but those aiding in the perpetration of the deed.

In the reign of Richard II, murder was killing by await, assault, or malice prepense; but the distinction between murder and manslaughter was not clearly defined until the reign of Henry VIII, when benefit of clergy was taken away from the murderer. This distinction between murder and justifiable homicide *se defendendo*, or homicide *per infortunium*, was an important reform in our law, which at that period did not take into consider-

ation the frail condition of mankind, and the influence of our passions, the more to be dreaded from the state of ignorance and superstition in which the nation was plunged. By our old law, if a man was killed in a quarrel, or in a sudden affray, it was equally felonious.

Many jurisconsults endeavoured to bring slaying in a duel within the class of murder, contrary to the general rule, that death ensuing in a mutual combat is only manslaughter; because, they said, when parties went out deliberately to fight with deadly weapons, there was presumptive malice aforethought, omitting all notice of treachery; which, in an ordinary duel, decided upon by seconds, appears to be the only ground for presuming that felonious malice was contemplated. It is evident that this distinction is one of the utmost importance. The primary object of a murderer is to destroy his victim; with this intention he attacks him, and although he may defend himself, yet the assault is treacherous as with malice aforethought; whereas the primary object of the duellist is to fight—the result of the meeting may be fatal or not,—his second consideration is to preserve his own life, and the third to put his adversary *hors de combat*.

Hawkins maintained that when divers rioters having forcibly taken possession of a house, afterwards killed the person whom they had ejected, as he was endeavouring in the night forcibly to

regain possession and to fire the house, they were to be adjudged guilty of manslaughter only, *notwithstanding they did the fact in maintenance of deliberate injury;* perhaps, for this reason, *because the person slain was so much in fault himself.*

The same legal authority further says, "Some have gone so far as to hold that the seconds of the person killed are also equally guilty, in respect to that countenance which they gave to their principals in the execution of their purpose, by accompanying them therein, and being ready to bear a part with them:" but, perhaps, the contrary opinion is the more plausible; for it seems too severe a construction to make a man, by such reasoning, the murderer of his friend, to whom he was so far from intending a mischief, that he was ready to hazard his own life in his quarrel.

The highest authorities have strained the law to crush duelling without the aid of the legislature, and Hawkins says, that "it seems agreed, that whenever two persons in cold blood meet and fight on a precedent quarrel, and one of them is killed, the other is guilty of murder, and cannot help himself by alleging that he was first struck by the deceased." Sir Edward Coke, in the case of Thomas, makes the following observation:— "As for direction to the jury, in cases of murder grounded upon former malice, it is very clear, and so it is adjudged in Plowden's Commentaries, that if two men fall out, malice before is not anything

material for the jury to inquire, but the subsequent matter, who began the affray; and if he be killed who offered the first wrong, yet it may be murder in the other who killed him, and the subsequent beginning not material."

It would be foreign to the nature of this work to enter more fully into the legal opinions entertained on this matter by the greatest authorities, but many instances are upon record, in which, upon the judge's charge, the survivor in a duel has been found guilty of murder. Such was the case of Morgan for the murder of Egerton; but he subsequently was pardoned, and set at large.

In the case of Richard Taverner a verdict of guilty of wilful murder was also found. The antagonist whom he had killed, was a man of the name of Bird, whose second, Hughes, was also killed. But many cases are on record, in which, notwithstanding the judge's charge to the jury, a verdict of manslaughter was found.

During the early periods of our history, many challenges were sent, and combats have been prevented by regal and judicial interference. In the reign of Edward III, 1361, Henry, Duke of Lancaster, was challenged by the Duke of Brunswick to a combat before John, king of France, on account of some insulting language which the Duke of Lancaster had made use of. The challenge was accepted, and both parties appeared at the appoint-

ed time and place. But after they had entered the lists, the King of France interposed, and reconciled the parties. The field was in a plain near the Abbey of St. Germain des Prés, and the Bishop of Paris, Jean de Meulan, not to miss the sight, had slept at the Abbey the preceding night.

In the reign of Richard II, Henry, Duke of Hereford, sent, by Thomas Mowbray, Duke of Norfolk, good advice and counsel to the King, which was purposely misrepresented, and mixed with offensive words, of which the Duke of Hereford being informed, he went to the King and explained the message he had sent; but denied the false one delivered in his name, and begged that he might combat the Duke of Norfolk, and maintain the truth. Leave was granted, and time and place appointed; but when they appeared and were ready to draw their swords, the King, who had submitted the matter to Parliament, commanded them to forbear, banished the Duke of Norfolk for ever, and his cousin of Hereford for a term of years: the meeting took place in 1398, near Coventry.

In the reign of Edward III, a most singular meeting took place between William Montacute, Earl of Salisbury, and Robert, Bishop of Salisbury, for the right of the castle of Old Sarum. The Bishop had laid claim to it, but the Earl declared himself ready to defend his possession by

duel, to which the prelate consented. The day and place were appointed, when the parties were to fight by proxies. The Bishop brought to the lists his champion, cloaked with a white garment down to the knee, above which was a cassock embroidered with the episcopal arms, and with him a knight carrying a shield and staff. The Earl also led his champion by the hand into the lists, cloaked in the same manner, with two knights attending him; but while they were viewing and comparing arms, and searching whether any of them had amulets, charms, or enchantments about them, an order came from the King to adjourn the combat, and the matter was arranged.

From the commencement of the war of the roses, the trial by battle fell into desuetude. One of the latest instances of this ordeal was in the reign of Elizabeth, in 1571, when a suit having been instituted for recovery of certain manorial rights in the isle of Hartie, Kent, the defendant offered to maintain his claim by duel. The plaintiff accepted the challenge, champions were appointed, and the requisite arrangements made. On the day appointed, the judges, attended by the counsel of the parties, repaired to the lists in Tothill-fields, as umpires of the combat; but as the plaintiff did not make his appearance to acknowledge his champion, he was nonsuited, or rather the suit was compounded—the defendant remaining in possession by paying a stipulated

sum to the petitioners; but yet to save the credit of the defendant, who had demanded the combat, all the ceremonials of time, place, and arms, were adjusted.* Another instance occurred in the Court of Chivalry, in 1631: a trial by battle was also demanded in the palatine of Durham, in 1638. Of late years, it was only in 1818, that a similar demand was made in the case of Thornton and Ashford, when this barbarous and superstitious practice was finally abolished.

In 1542, Henry Howard, Earl of Surrey, who had distinguished himself in the jousts and tournaments on the marriage of Henry VIII. to Anne of Cleves, was imprisoned in the Fleet, on the ground of a quarrel with a private gentleman, and remained closely confined for several weeks, until he was liberated on giving security to keep the peace in the then enormous sum of ten thousand marks. He was not long out of durance, being recommitted for having eaten meat in Lent, and broken the windows of peaceable citizens by shots from his crossbow. The defence of this unfortunate nobleman for the latter offence was rather curious, as he maintained that he had broken their windows in the hope of correcting the licentious and corrupt manner of these citizens, by impressing them with an idea that such attacks, by means unheard and unseen, were supernatural warnings from Providence of impend-

* See Spelman's Glossary ad vocem "Campus."

ing vengeance, a plea which is now extant on the minutes of the Privy Council!

During the reign of James I. duels appear to have been more frequent, and were resorted to, not only by the upper classes, but amongst the lower orders. This appears from a speech of Bacon, when attorney-general, in the case of a challenge brought before the Star Chamber Court. Bacon therein attributes the frequency of the practice to the rooted prejudice of the times, and hopes that the great would think it time to leave off the custom, when they find it adopted by barber-surgeons and butchers; and in one of his letters on the subject to Lord Villiers, he expresses his determination not to make any distinction between a coronet and a hatband in his efforts to repress the practice. "I will prosecute," he says, "if any man appoint the field, though no fight takes place; if any man send a challenge in writing or verbally; if any man accept a challenge, or consent to be a second; if any man depart the realm in order to fight; if any man revive a quarrel after the late proclamation." It does not appear, however, that this great man's exertions were productive of much beneficial result, as the monarch, in one of his proclamations, called these combats "the bewitching duel."*

* The following is his memorable letter written to Lord Viscount Villiers in the year 1616:—

"My very good Lord,—Yesterday was a day of great good

The duel fought, and the challenge sent, by Lord Herbert of Cherbury, and which we have elsewhere recorded, are striking illustrations of the chivalric notion of the times; and the Quixotic language in which that challenge was couched, was somewhat similar to that of the one sent by Sir Henry Urton, our ambassador to the court of France, to the Duc de Guise.

"Forasmuch as lately in the lodgings of the Lord Dumogre, and in public elsewhere, impudently, indiscreetly, and overboldly, you spoke

for his Majesty's service, and the peace of this kingdom concerning duels, by occasion of d'Arcey's case. I spake big, and publishing his Majesty's strait charge to me, said, it had struck me blind, as in point of duels, cartels, &c., I should not know a coronet from a hatband. I was bold also to declare how excellently his Majesty had expressed to me a contemplation of his concerning duels; that is, that when he came forth and saw himself princely attended with goodly noblesse and gentlemen, he entered into the thought, that none of their lives were in certainty, not for twenty-four hours, from the duel; for it was but an heat or a mistaking, and then a lie, and then a challenge, and then life; saying, that he did not marvel seeing Xerxes shed tears to think not one of his great army should be alive in a hundred years. His Majesty was touched with compassion to think that not one of his attendants but might be dead within twenty-four hours by the duel. This I write, because his Majesty may be wary what he saith to me (in things of this sort), I being so apt to play the blab. In this also, I forgot not to prepare the judges, and wish them to protest, and as it were to denounce, that in all cases of duel capital before them, they will use equal severity towards the '*insolent*' murder by the duel, and the '*insidious*' murder; and that they will extirpate that difference out of the opinion of men, which they did excellently well."

badly of my sovereign, whose sacred person here in this country I represent, to maintain, both by word and weapon, her honour (which was never called into question among persons of honesty and virtue). I say you have wickedly and maliciously lied, in speaking so basely of my sovereign, and you shall do *nothing else but lie* whenever you dare to tax her honour. Moreover, that her sacred person (being one of the most complete and virtuous princesses that lives in this world) ought not to be evil spoken of by the vile tongue of such a perfidious traitor to her land and country as you are, and therefore I do *defy you*, and challenge your person to mine, with such manner of arms as you shall like or choose, be it either on horseback or on foot; nor would I have you to think any inequality of person between us, I being issued of as great a race and noble a house as yourself, in assigning me an indifferent place, I will there maintain my words, and the lie which I gave and give you. If you consent not to meet me hereupon, I will hold you, and cause you to be generally held, for the arrantest coward, and the most slanderous slave, in all France. I expect your immediate answer."

It appears that De Guise did not think it expedient to accept the challenge,

The peace of the realm appears to have been frequently disturbed during the reign of James by duels, in which many valuable lives were lost.

The death of Sir Hatton Cheek was one of these fatal occurrences. This gallant officer was the second in command of the English army at the siege of Juliers, in 1609, where a few hasty words addressed by him to Sir Thomas Dutton, induced that officer, who was of an inferior rank, to resign his commission and repair to England, where he endeavoured to injure the character of Cheek by various unfavourable reports, and the latter demanded a meeting at Calais. On their meeting on the sands, Dutton began to reproach Cheek with the injuries he had received at his hands, but Cheek insisted upon the immediate settlement of the business. The seconds stripped both parties to their shirts, and they attacked each other, each of them armed with a rapier and a dagger. In the first onset Cheek ran Dutton through the throat with his dagger, close to the windpipe; when Dutton made a pass at him and ran him through the body, while he stabbed him in the back with his poniard. Although Cheek's wounds were mortal, he rushed upon his antagonist, who, observing that he gradually drooped from loss of blood, merely kept on the defensive till he fell dead at his feet.

James had to punish severely the Lord Sanquair, for having killed a fencing-master in a duel: the riddance to society of a master of the art of murder would have palliated the offence, but the unruly conduct of the Scotch followers of Sanquair

was so obnoxious and ungovernable, that it was deemed necessary to inflict a punishment on their chief. This case was a curious one: his lordship, who prided himself on his skill in swordmanship, had an assault with a fencing-master of the name of Turner, who put out one of his eyes with his foil. Turner made every possible excuse for the unfortunate occurrence, and Sanquair affected to forgive him. Some years after he visited the court of Henri IV. of France, when this prince asked him how he had lost his eye. Sanquair was embarrassed by the question, and with some hesitation replied, "By a sword wound." The king immediately replied, "And does the man live?" An expression which sunk deep into his mind, and from that moment he formed the resolution to rid himself of the obnoxious cause of his misfortune in any manner. On his return to England, disdaining to sacrifice his victim with his own noble hands, he hired two ruffians who assassinated Turner in his lodgings in Whitefriars. The murderers were taken, but Sanquair had fled, and 1000*l.* reward was offered by proclamation for his apprehension. Trusting to his sovereign's partiality for the Scotch, and having for a mediator at court the Archbishop of Canterbury, he surrendered himself; but all intercession was vain. Bacon was ordered to prosecute, and Sanquair and his accomplices were condemned, and he was

hanged on the 29th of June, 1612, in front of the entrance of Westminster-hall.

In a MS. paper found in the library of Mr. Goodwin, author of the Life of Henry VIII, the following account, signed by R. Deerhurst, of a desperate duel fought by two noblemen of that period, was found :—

"HIS GRACE THE DUKE OF B— TO THE LORD B—.

"The affront which you gave me at the imperial minister's ball last night, would argue me a person very unworthy of the character I bear, to let it pass unregarded. To prove me that adventurous knight, which your evasive expression would have given the noble Lady to understand, may perhaps be the most acceptable means to reconcile your spleen; convince me then that you are more of a gentleman than I have reason to believe, by meeting me near the first tree behind the lodge in Hyde-park, precisely at half an hour after five tomorrow morning; and that there may be no pretension to delay, I have sent by the bearer of this two swords, of which I give you the privilege to make a choice. I shall approve of whatever terms of fighting you shall please to purpose. In the interim I wish your Lordship a good rest.

"*Nine o'Clock.*" B."

"LORD B—'S ANSWER TO THE ABOVE.

"I received your Grace's message, and accept the contents. It would give me a sensible con-

cern to be obliged to give up the pretension which your Grace is doubtful of. It was from an oversight, I presume, that your Grace gave me the privilege to choose my sword, except your Grace has been so little used to this sort of ceremony as to have forgot that it is the challenger's choice. This, however, is but a trifle (if anything). The terms I leave to our seconds, and will not fail to appear at the time appointed, and in the interim I wish your Grace a very good night.

"*Eleven o'Clock.*" B."

After my Lord B—— had answered his Grace's letter, he visited several of his friends, and was observed to be remarkably jocose at Lady Nottingham's, which occasioned a young lady, after his departure, to remark that she fancied there was something very agreeable to his lordship renewed again, relating to the Countess of E——, well knowing his extraordinary passion for that lady. He told the messenger who carried his letter to bring his Grace's answer to General De Lee, his second, with whom he remained that night in St. James's-street.

About four in the morning his Lordship waked and got softly up, without (as he thought) being observed; and dressing himself, buckled on his sword, and fixing two agate flints in his pistols, charged them; but recollecting that the Duke's second would probably desire to see them loaded,

he drew the charge. By this time the General was awake; and observing his Lordship taking a book out of his pocket, he thought it improper to interrupt him. His Lordship then kneeled down at a small jasper table, and seemed to pray with great devotion for a quarter of an hour, often repeating, just loud enough to be heard, the errors of his youthful days, and fervently supplicating the Almighty not to impute them to him; after which he awoke the General, adding, that as the morning was cold and rainy he did not wish to delay his Grace. By the time they were accoutred, De Lee requested to view his Lordship's sword, when he examined the point and handle most cautiously, and then returned it, adding, that he wished it was going to be employed in a cause more serviceable to his country. His Lordship replied, that it could be matter of little consequence, let the event be what it would. On their departure the General desired to know if there was any thing he was desirous to communicate, upon which he placed in his hand a letter addressed to the Right Hon. the Countess of E——, desiring that he would deliver it to her when alone, and not upon any consideration to put it into another hand.

They arrived somewhat before the appointed time, and took several turns from the tree to the lodge, his Lordship several times expressing surprise at his Grace's delay, though it was not more

than two minutes beyond it. His Grace then arrived, attended with one second only. He bade his Lordship a good morning, and hoped he had not waited for him long; then pulling out his watch, said that he had hit it to a point, adding, that he would rather die than break his promise upon such an occasion. His Lordship returned the expression, and said, that though they had waited a little, there was sufficient time left to despatch the business they were upon. To which his Grace replied, the sooner it is despatched, the more leisure there will be behind. In the interim, the seconds were pairing the swords, and each one loading his adversary's pistols. They then agreed to the following terms, viz.:—

1. That the distance of firing should not be less at each time than seven yards and a half.

2. That if either should be dangerously wounded on the first discharge, the duel should cease, if the wounded person would own that his life was in the hands of his antagonist.

3. That between the firing and the drawing swords, there should be no limited time, but each should endeavour to make the first thrust.

4. That if either should yield, as in the second article, during the engagement with swords, whether by a wound, false step, or any other circumstance, then the engagement should cease.

To which four articles both parties assented. His Grace stripped off his coat, which was scarlet,

trimmed with broad gold lace, when his Lordship's second stepped in to unbutton his Grace's waistcoat, to see justice done to the cause he had espoused; on which, with some indignation, his Grace replied, "Do you take me to be a person of so little honour!" The same ceremony was performed on his Lordship, who had already pulled off his coat, which was crimson, with broad silver lace, and both the combatants being ready, Lord B—— added, "Now, if it please your Grace, come on." His Grace fired and missed, but my Lord B——, perhaps from more experience, and knowing that battles were seldom won by hasty measures, deliberately levelled at him, and wounded his Grace near the thumb. They both discharged again, when his Lordship received a slight wound in his turn. On which they instantly drew their swords, and impetuously charged each other, each of them seeming rather to meditate the death of his adversary, than to regard his own safety. In the first or second thrust Lord B—— entangled the toe of his pump in a tuft of grass, and in evading a lounge from his antagonist, fell on his right side, but supporting himself on his sword hand, by inconceivable dexterity, he sprang backwards, and evaded the thrust apparently aimed at his heart. A little pause intervening here, his Grace's second proposed to his Lordship a reconciliation; but the ardent thirst after each other's blood so overpowered the strongest arguments and reason, that

they insisted to execute each other forthwith, whatever might be the consequence. Nay, the anger of his Grace was raised to such a pitch of revenge, that he, in that irritated moment, swore if, for the future, either of the seconds interposed, he would make his way through his body. Then, after all remonstrance had proved ineffectual, they retired to their limited distances, and perhaps one of the most extraordinary duels ensued that the records of history can produce, fairly disputed hand to hand. The parrying after this interval, brought on a close lock, which, Monsieur Des Barreaux says, nothing but the key of the body can open. In this position they stood, I dare say, a minute, striving to disengage each other by repeated wrenches, in one of which his Grace's sword got caught in the guard of his Lordship, which circumstance his Lordship overlooked, so that this advantage was recovered by his Grace before the consequence which it might have brought on was executed. At last, in a very strong wrench on both sides, their swords sprang from their hands. I dare say his Lordship's flew six or seven yards upright. This accident, however, did not retard the affair a moment, but both seizing their weapons at the same time, the duel was renewed with as much malevolence as ever. By this time his Lordship had received a thrust through the inner side of his sword arm, passing forward to the exterior part of the elbow; his, at

the same time, passing a little over that of his antagonist; but, cleverly springing back, I think partly before his Grace had recovered his push, he ran him through the body a little above the right pap. His Lordship's sword being thus engaged, nothing was left for his defence but a naked left arm; and his Grace being in this dangerous situation, yet had fair play at almost any part of his Lordship's body, who bravely put by several thrusts exactly levelled at his throat, till at last, having two fingers cut off in defending the pushes, and the rest mangled to a terrible degree, his Grace lodged his sword one rib below the heart, and in this affecting position they both stood without either being able to make another push. Each of them by this time was in a manner covered with blood and gore, when both the seconds stepped in and begged they would consider their situation, and the good of their future state; yet neither would consent to part, till, by the great loss of blood which his Lordship had sustained, he fell down senseless, but in such a position that he drew his sword out of his Grace's body; recovering himself a little before he was quite down, he faltered forward, and falling with his thigh across his sword, snapped it in the middle. His Grace observing that he was no longer capable of defence, or sensible of danger, immediately broke his own sword, and fell on his body with the deepest sigh of concern, and both

expired before any assistance could be got, though Dr. Fountaine had orders not to be out of the way that morning. Thus fell two gallant men, whose personal bravery history can scarcely equal, and whose honour nothing but such a cause could stain.

During the civil wars that brought Charles's head to the block, duelling became a very rare occurrence, and this circumstance is attributed to the following causes by an ingenious writer on the subject:*—"These civil wars were not of a nature calculated, like those of France, to increase the rage of the duel, but rather to suspend the frequency of its practice. As it was not a struggle (latterly, in particular) between two powerful factions of the nobility and gentry one against the other, but of the commonalty against whatever was called royal, noble, or honourable in rank and fortune; the consequence was, that the gentry, and those who had been accustomed to look to their own swords for revenge in personal affronts, would have disdained to have settled points of honour by private duel, with antagonists of such ignoble birth. The general course of their thoughts being also bent on the repulsion of the common enemy of the order of gentry, they became more closely united within themselves, and were less in the habit of paying a scrupulous at-

* Charles Moore.

tention to all the supercilious dictates of a captious honour."

During the Protectorate duels were unfrequent from causes somewhat similar amongst the upper classes, while the lower orders were inspired with a religious zeal and a fanatic enthusiasm, which would have induced them to consider assassination scarcely a greater sin than a duel. Yet we find that Cromwell, in 1654, passed an ordinance for punishing and preventing duelling. In this enactment it was provided, that all persons sending, carrying, or accepting a challenge, were to be imprisoned for six months; and persons who were challenged, and who did not declare it within twenty-four hours, were to be considered as acceptors. When death ensued in a duel, it was to be considered murder; and persons using provoking words or gestures, to be indicted, and, if convicted, to be fined, bound to good behaviour, and to make reparation to the party injured, according to the quality or the nature of the offence.

There was, however, a preparation for a purgation by single combat, in a doubtful case, in the reign of Charles I, A. D. 1631. "The Lord Rea, a Scotch Baron, impeached Ramsay and Meldrum for moving him to join a conspiracy. They denied it positively, and no witness could be produced. Ramsay, a soldier, offered to clear himself by combat that he was innocent, and the appellant, Rea, accepted the challenge. The King

was desirous it should be put upon the duel, and the judges were consulted. According to their advice there was a Court of the Constable and Marshal appointed, and the Earl of Lindsey special constable for the purpose; and the proceedings between Rea and Ramsay in that Court were very solemn, multitudes of people attending the novelty. The business, however, was afterwards made up by the King, through the Marquis Hambleton, whose servant Ramsay was, and the Lord Rea returned to his command under the King of Sweden in Germany."*

It was under the reign of James that the celebrated duel between the Earl of Dorset and Lord Bruce took place at Antwerp. Jealousy appears to have been the cause of the difference that led to their fatal meeting. The offence had been of long standing, but it was renewed at Canterbury, when Lord Bruce gave the Earl "two or three good buffets in the face," Sackville being without a weapon, "having given his rapier instantly before to the Palsgrave." It appears, however, that on this occasion "they were parted, and made friends by the noblemen that were present," and Lord Bruce went to France "to learn to fence." A short time after the parties met by appointment, and the Earl gives the following account of the transaction:—

"As I am not ignorant, so I ought to be

* Whitelocke's Memorials.

sensible of the false aspersions some authorless tongues have laid upon me in the reports of the unfortunate passage lately happened between the Lord Bruce and myself; which, as they are spread here, so I may justly fear they reign also where you are. There are but two ways to resolve doubts of this nature—by oath, and by sword. The first is due to magistrates, and communicable to friends; the other, to such as maliciously slander, and impudently defend their assertions. Your love, not my merit, assures me you hold me your friend, which esteem I am much desirous to retain. Do me, therefore, the right to understand the truth of that act, and in my behalf inform others, who either are or may be infected with sinister rumours, much prejudicial to that fair opinion I desire to hold amongst all worthy persons, and on the faith of a gentleman, the relation I shall give is neither more nor less than the bare truth.

* * * * *

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"To our seconds we gave power for their appointments, who agreed we should go to Antwerp, from thence to Bergen-op-zoom, where, in the midway, a village divides the States' territory from the Archduke's, and there was the destined stage; to the end that, having ended, he that could might presently exempt himself from the justice of the country, by retiring into the dominion not offended. It was farther concluded,

that in case any should fall or slip, that then the combat should cease, and he whose ill fortune had so subjected him was to acknowledge his life to have been in the other's hands; but in case one party's sword should break, because that could only chance by hazard, it was agreed that the other should take no advantage, but either then be made friends, or else, upon even terms, go to it again. These three conclusions being by each of them related to his party, were by us both approved and assented to. Accordingly we re-embarked for Antwerp, and by reason my Lord (as I conceive, because he could not handsomely without danger of discovery) had not paired the sword I sent him to Paris, bringing one of the same length, but twice as broad, my second excepted against it, and advised me to match my own, and send him the choice, which I obeyed, it being, you know, the challenger's privilege to elect his weapon.

"At the delivery of the swords, which was performed by Sir John Heidon, it pleased the Lord Bruce to choose my own; and then, past expectation, he told him that he found himself so far behind hand as a little of my blood would not serve his turn, and therefore he was now resolved to have me alone, because he knew (for I will use his own words) 'that so worthy a gentleman and my friend could not endure and stand by and see him do that which he must to satisfy himself and his honour.' Thereunto Sir John Heidon replied,

'that such intentions were bloody and butcherly, far unfitting so noble a personage, who should desire to bleed for reputation not for life;' withal adding, 'he thought himself injured, being come thus far, now to be prohibited from executing those honourable offices he came for.' The Lord Bruce, for answer, only reiterated his former resolution, the which, not for matter but for manner, so moved me, as though, to my remembrance, I had not of a long while eaten more liberally than at dinner, and therefore unfit for such an action (seeing the surgeons hold a wound upon a full stomach much more dangerous than otherwise), I requested my second to certify him I would presently decide the difference, and should, therefore, meet him on horseback, only waited on by our surgeons, they being unarmed.

"Together we rode (but one before the other some twelve score) about two English miles, and then passion, having so weak an enemy to assail as my direction, easily became victor, and using his power, made me obedient to his commands. I being very mad with anger, the Lord Bruce should thirst after my life with a kind of assuredness, seeing I had come so far and needlessly to give him leave to regain his lost reputation, I bade him alight, which with all willingness he quickly granted, and there in a meadow, ankle-deep in the water, at least, bidding farewell to our doublets, in our shirts we began to charge each other,

having afore commanded our surgeons to withdraw themselves a pretty distance from us, conjuring them besides, as they respected our favour or their own safeties, not to stir, but to suffer us to execute our pleasure, we being fully resolved (God forgive us) to despatch each other by what means we could.

"I made a thrust at my enemy, but was short, and in drawing back my arm I received a great wound thereon, which I interpreted as a reward for my short shooting; but in revenge, I pressed into him, though I then missed him also; and then received a wound in my right pap, which passed level through my body, and almost to my back. And there we wrestled for the two greatest and dearest prizes we could ever expect trial for—honour and life; in which struggling, my hand, having but an ordinary glove on it, lost one of her servants, though the meanest, which hung by a skin, and to sight yet remaineth as before, and I am put in hope one day to recover the use of it again. But at last breathless, yet keeping our holds, there past on both sides propositions of quitting each other's swords; but when amity was dead, confidence could not live, and who should quit first was the question, which on neither part either would perform; and restriving again afresh, with a kick and a wrench together I freed my long-captive weapon, which incontinently levying at his throat, being master still of his, I demanded if he would ask his life or yield his sword? Both

which, though in that imminent danger, he bravely denied to do. Myself being wounded, and feeling loss of blood, having three conduits running on me, began to make me faint, and he courageously persisting not to accord to either of my propositions, remembrance of his former bloody desire, and feeling of my present estate, I struck at his heart, but with his avoiding, missed my aim, yet passed through his body, and drawing back my sword, repassed it through again, through another place, when he cried, 'Oh! I am slain,' seconding his speech with all the force he had to cast me: but being too weak, after I had defended his assault, I easily became master of him, laying him on his back, when, being upon him, I redemanded if he would request his life? But it seems he prized it not at so dear a rate to be beholding for it, bravely replying he scorned it! which answer of his was so noble and worthy, as I protest, I could not find in my heart to offer him any more violence, only keeping him down; till at length, his surgeon, afar off, cried out he would immediately die if his wounds were not stopped: whereupon I asked if he desired his surgeon should come? which he accepted of; and so, being drawn away, I never offered to take his sword, accounting it inhumane to rob a dead man, for so I held him to be.

"This thus ended, I retired to my surgeon, in whose arms after I had remained awhile, for want of blood I lost my sight, and withal, as I then

Engraved by W. H. Lizars.

EDWARD SACKVILLE, FOURTH EARL OF DORSET.

OB. 1652.

FROM THE ORIGINAL OF VANDYKE IN THE COLLECTION OF

HIS GRACE THE LATE DUKE OF DORSET.

thought, my life also; but strong water and his diligence, quickly recovered me; when I escaped a great danger, for my Lord's surgeon, when nobody dreamt of it, came full at me with my Lord's sword; and had not mine, with my sword, interposed himself, I had been slain by those base hands, although my Lord Bruce, weltering in his blood, and past all expectation of life, conformable to all his former carriage, which was undoubtedly noble, cried out 'Rascal, hold thy hand!' So may I prosper, as I have dealt sincerely with you in this relation, which I pray you, with the inclosed letters, deliver to my Lord Chamberlain. ED. SACKVILLE."

It does not appear that this fatal and barbarous affair led to any proceedings against the Earl of Dorset, nor did it diminish his favour at court.

After the desperate and fatal duel between Duke Hamilton and Lord Mohun, a bill was brought into the House of Commons for the prevention of duelling, but was lost after a second reading. The following is the account that Swift gives of this meeting, in his letter to Mrs. Dingley, but it must be borne in mind that political animosities, which ran very high at this period, gave a peculiar acrimonious character to the transaction, the causes of which have never been satisfactorily explained:—

"Before this comes to your hands, you will

have heard of the most terrible accident that hath almost ever happened. This morning, at eight, my man brought me word that Duke Hamilton had fought with Lord Mohun, and had killed him, and was brought home wounded. I immediately sent him to the Duke's house to know if it was so, but the porter could hardly answer his inquiries, and a great rabble was about the house. In short, they fought at seven this morning. The dog Mohun was killed on the spot, but while the Duke was over him, Mohun shortened his sword, and stabbed him in the shoulder to the heart. The Duke was helped toward the lake-house, by the ring, in Hyde-park (where they fought), and died on the grass, before he could reach his house, and was brought home in his coach by eight, while the poor Duchess was asleep. M'Carthy and one Hamilton were the seconds, who fought likewise, and both are fled. I am told that a footman of Lord Mohun's stabbed Duke Hamilton, and some say M'Carthy did so too. Mohun gave the affront, and yet sent the challenge. I am infinitely concerned for the poor Duke, who was a frank, honest, and good natured man. They carried the poor Duchess to a lodging in the neighbourhood, where I have been with her two hours, and am just come away. I never saw so melancholy a scene, for indeed all reasons for real grief belong to her; nor is it possible for any one to be a greater loser in all re-

gards—she has moved my very soul. The lodging was inconvenient, and they would have moved her to another, but I would not suffer it, because it had no room backwards, and she must have been tortured with the noise of the Grub-street screamers dinging her husband's murder in her ears."

This duel must have been of the most murderous nature, from the number of wounds that both parties received. The Duke of Hamilton had received one on the right side of the leg, about seven inches long, another in the right arm, the third in the upper part of the right breast, running downwards towards the body, the fourth on the outside of the left leg. Lord Mohun received a large wound in the groin, another in the right side through the body and up to the hilt of the sword, and a third in his arm.

In the Postboy, of the 20th November, the following particulars of this field meeting were given: —"Major-General M'Carthy went three times to the Duke, and was at the bagnio all night with Lord Mohun, who was observed to be seized with fear and trembling at the time. The seconds were Colonel Hamilton, of the Foot-guards, for the Duke, and M'Carthy for Lord Mohun. It appears that the parties did not parry, but gave thrusts at each other, and Lord Mohun shortening his sword stabbed the Duke in the upper part of the left breast running downwards into

the body, which wound was fourteen inches long, and he expired soon after he was put into the coach. A dispute at law had existed between the parties, but without any personal quarrel of consequence."

Swift, in his history of the four last years of Queen Anne, says, that M'Carthy stabbed the Duke after he was wounded by Lord Mohun. He afterwards escaped to Holland, but in June, 1716, was tried for murder in the Court of King's Bench, and found guilty of manslaughter. Swift relates a curious anecdote of a gentleman, who being attacked by highwaymen, told them that he was M'Carthy, upon which they brought him before a justice in the hopes of receiving the reward for his apprehension, when he gave the rogues in charge.

This Lord Mohun appears to have been an unprincipled character, whose associates were in general as depraved and contemptible as himself. In the year 1692, we find him tried for the murder of Montford the player, an atrocious act, in which he was at any rate most deeply implicated.

It appeared in this trial that Lord Mohun, with a Captain Hall, had formed a project forcibly to carry off Mrs. Bracegirdle, the actress, to whom, or rather, to whose successful career on the stage this Hall pretended to be attached. The worthy pair hired a coach to go to Totteridge, directing the driver to have six horses in readiness, and to

be waiting for them at Drury Lane, near the theatre, with only two horses to the carriage, about nine o'clock at night. The party had dined together at a tavern in Covent Garden, where Mrs. Bracegirdle became the subject of their conversation; and both admitted their belief that she was upon terms of more than common intimacy with Montford, a popular performer at that period. They therefore formed a plan to carry her off forcibly that very night into the country; for which purpose Hall had secured the assistance of a party of soldiers belonging to his company. In this conversation Hall told Lord Mohun, that unless they could be at the theatre by 6 o'clock, their plan would fail. They accordingly repaired to the playhouse, and went behind the scenes; where they were much disappointed in being informed, that Mrs. Bracegirdle was not to perform that night. Upon this intelligence they withdrew; but found, upon further inquiry, that she was to sup at the house of a Mrs. Page, of Drury Lane; and they therefore lay in wait for her near Lord Craven's house.

About 10 o'clock Mrs. Bracegirdle, accompanied by Mr. Page, her mother, and her brother, were returning home towards Howard Street where she lived, when these ruffians seized her, and, assisted by the soldiers, endeavoured to force her into the carriage, while Captain Hall at the

same time strove to drive away Mr. Page; but Mrs. Bracegirdle's mother firmly grasped her, and struggled to protect her daughter. The uproar had now become so great, the neighbourhood being alarmed by the women's shrieks, that several persons rushed to the rescue, the desperate project was defeated, and the soldiers were dismissed by their commander. Mrs. Bracegirdle and her party returned home; but Lord Mohun and his companion watched near her house at the corner of Norfolk Street, pacing up and down the flags with drawn swords, waiting for Montford whom they expected to pass in that direction, on his way home. Tired of thus standing sentry, these worthies, it appears, amused themselves by drinking two bottles of wine in the street; some surly watchmen, who observed their extraordinary conduct and their naked swords, had the presumption to question them, upon which Lord Mohun told the insolent guardians of the night that he was a peer of the realm, and dared them to molest him: at the same time he condescended to inform them, that his *friend's* sword was drawn in consequence of his having lost his scabbard. The watch, therefore, very respectfully withdrew, apologising for the breach of privilege, of which they had involuntarily been guilty.

About 12 o'clock the unfortunate Montford, who was returning from the theatre, fell in with this worthy couple. Lord Mohun, it appears,

approached him in a very cordial manner, and went so far as to embrace him; when Montford asked him what he possibly could be doing in the street at that advanced hour of the night. His lordship replied, "I suppose you have heard of the lady?" To which Montford answered: "I hope my wife (who was also a performer) has given your Lordship no offence?" —"No," said Lord Mohun, "it is Mrs. Bracegirdle I mean." To which Montford observed: "Mrs. Bracegirdle, my Lord, is no concern of mine; but I hope your Lordship does not countenance the conduct of Mr. Hall."

Upon this, Captain Hall came forward; and exclaiming "This is not a time to discuss such matters," ran Montford through the body; although it was asserted during the trial, that several passes had taken place between the parties before the fatal wound had been inflicted. This circumstance, however, was by no means clearly proved. A cry of murder was raised, the watch rushed in; but the assassin had fled. Lord Mohun surrendered himself, observing, that he hoped that Hall had made his escape, as he was well satisfied to be hanged for him; and he further avowed, that to facilitate his escape he had changed coats with him.

It appeared upon the trial, that Hall had expressed his wish to marry Mrs. Bracegirdle, and conceived that the rivalry of Montford was the

only obstacle to the success of his suit; he repeatedly swore, that he would get rid of him some way or other; and it was to effect this purpose that he and Lord Mohun had exchanged coats and hats in the scene-room of the theatre. That the assassination of their victim had been coolly premeditated, there could not be the slightest doubt. Hall had spoken to Mrs. Knight, of Drury Lane Theatre, telling her, that he was certain that Mrs. Bracegirdle detested him in consequence of her attachment to Montford, and at the same time requested her, as an intimate friend of Mrs. Bracegirdle, to give her a letter. This proposal Mrs. Knight very properly declined, observing, that she had already too many enemies to increase their number. "What enemies?" replied Hall. "Do you mean Montford? I shall find a way to rid you of *him* speedily. Subsequently, in the presence of a Mrs. Sandys, Hall had sworn that he would stab Montford if he resisted; and at the same time Lord Mohun declared that he would stand by him. Hall, it also appeared, had borrowed a brace of pistols from a Captain Leister, to accomplish his purpose. And further, when Hall seemed to doubt the resolution of his lordship, and observed at the tavern, that he was ruined, unless Lord Mohun attended at the theatre to assist him by 6 o'clock, Lord Mohun replied, "Upon my soul and *honour* I will be there!"

Notwithstanding this evidence, Lord Mohun was acquitted of the charge of having been accessory to the murder. The only circumstance in his favour was the question whether Hall had stabbed Montford when unprepared, or whether the unfortunate man had defended himself. It was proved that his sword had been broken. Howbeit, little doubt could exist as to the culpability of Lord Mohun, in having coolly and deliberately planned the act of violence against Mrs. Bracegirdle, with a determination to rid themselves of her supposed paramour *any how;* and we cannot but marvel at his peers allowing him to escape unpunished. It was the baseness and profligacy of this man that confirmed the general belief that the Duke of Hamilton had been foully murdered by M'Carthy, Mohun's second and friend, no doubt as worthy as his former companion Hall.

William Montford was an actor of considerable merit, and was also a successful dramatic writer. He was only thirty-three years of age when he met with this untimely end. Cibber speaks of him in the following terms: — "He was tall in person, well made, fair, and of an agreeable aspect. His voice full, clear, and melodious. In tragedy, he was the most affecting lover within my memory. His addresses had a resistless recommendation, from the very tone of

his voice, which gave his words such softness that, as Dryden says,

> Like flocks of feather'd snow,
> They melted as they fell!

It was to be expected, that such worthless ruffians as Mohun and Hall should have been anxious to remove the rivalry of a person so likely to please Mrs. Bracegirdle, although the intimacy between her and Montford was such, as to leave those acquainted with the parties firmly convinced that no improper intercourse existed between them. From her walk in the drama, they constantly performed together, and a strict intimacy had not only arisen between them, but between Mrs. Bracegirdle and Mrs. Montford.

In 1662 a meeting took place between Mr. Jermyn, nephew to the Earl of St. Alban's, and afterwards himself Lord Jermyn, and Colonel Giles Rawlins on the one side; and Captain Thomas Howard, brother to Lord Carlisle, and a friend on the other. Mr. Jermyn was severely wounded, and his second killed. They fought in the old Pall Mall, St. James's. Mr. Jermyn, the challenged party, was entirely ignorant of the nature of the offence he had given, nor could he induce his antagonist to inform him. Captain Howard was supposed to have worn a coat of mail under his dress.

The records of Parliament notice a challenge sent to Lord Chancellor Clarendon by Lord Os-

sory, son of the Duke of Ormond, for injurious words made use of in the House of Lords, on the debate upon a bill for prohibiting the importation of Irish cattle into England. The Chancellor submitted the message to the House. This bill was intended to protect English agriculture and the landed interest, and was chiefly supported by Buckingham, Ashley, and Lauderdale; and in its provisions its framers appeared to have lost sight of the fact, that if the Irish were deprived of the means of selling their principal commodities, it was not in their power to apply the produce of the sale to the purchase of English goods. Buckingham supported it with all his powers; and indulging both in his national animosity towards Ireland and his present enmity to the Duke of Ormond, maintained with much vehemence, that no one could oppose it who had not an Irish interest and an Irish intellect. Lord Ossory immediately sent him a challenge, which Buckingham evaded, on the pretext that he had mistaken the place and hour of the rendezvous, during which time his opponent was apprehended.

This Bill led to much violent recrimination, and also to personal conflict, Buckingham having had a scuffle with the Marquis of Dorchester, who tore off a handful of his hair, while the Duke pulled off his periwig.

Pepys, in his notes, alludes to the sad preva-

lence of duels about this period, which he states to be "a kind of emblem of the general complexion of the whole kingdom" at the time; and he relates, in the following terms, the meeting that took place between Sir H. Bellasses and Mr. Porter in 1667:—"They two dined yesterday at Sir Robert Carr's, where, it seems, people do drink high, all that come. It happened that these two, the greatest friends in the world, were talking together, and Sir H. Bellasses talked a little louder than ordinary to Tom Porter, giving him some advice. Some of the company standing by said, 'What! are they quarrelling, that they talk so high?' Sir H. Bellasses hearing it, said, 'No, I would have you know, I never quarrel, but I strike; take that as a rule of mine!'—'How?' said Tom Porter, 'strike! I would I could see the man in England that durst give me a blow?' With that Sir H. Bellasses did give him a box on the ear; and so they were going out to fight, but were hindered. And by and by Tom Porter went out; and meeting Dryden the poet, told him of the business, and that he was resolved to fight Sir H. Bellasses presently, for he knew, if he did not, they would be friends to-morrow, and then the blow would rest upon him; and he desires Dryden to let him have his boy to bring him notice which way Sir H. Bellasses goes. By and by he is informed, that Sir H. Bellasses's coach was coming; so Tom Porter went down

out of the coffee-room, where he stayed for the tidings, and stopped the coach, and bade Sir H. Bellasses come out. 'Why,' said Sir H. Bellasses, "you will not hurt me coming out, will you?'— 'No,' says Tom Porter. So out he went, and both drew. And Sir H. Bellasses having drawn and flung away the scabbard, Tom Porter asked him, whether he was ready. The other answered, he was; and they fell to fight, some of their acquaintances by. They wounded one another; and Sir H. Bellasses so much, that it is feared he will die. And finding himself severely wounded, he called to Tom Porter, and kissed him, and bade him shift for himself; 'for,' says he, 'Tom, thou hast hurt me; but I will make shift to stand on my legs till thou mayest withdraw, and the world not take notice of thee; for I would not have thee troubled for what thou hast done.' And so, whether he did fly or not, I cannot tell; but Tom Porter showed Sir H. Bellasses that he was wounded too; and they are both ill, but Sir H. Bellasses to the life. And this is fine example! and Sir H. Bellasses a parliament man too; and both of them extraordinary friends!" Bellasses only lived a few days, and Pepys, in noticing his death, adds: "It is pretty to see how the world talk of them, as a couple of fools, that killed one another out of love." This deed took place in Covent Garden.

About the same period a duel took place between the Earl of Shrewsbury and the Duke of Buckingham. The latter, it appears, had debauched Lady Shrewsbury, the daughter of the Earl of Cardigan, and was challenged by her husband. The King, who had been apprised of the intended meeting, commanded the Duke of Albemarle to secure Buckingham, and confine him to his house. Albemarle, by all accounts, wilfully neglected the royal command; and the meeting took place. The Duke was attended by Captain Holman and Sir J. Jenkins; and Lord Shrewsbury was accompanied by Sir J. Talbot a gentleman of the Privy Chamber, and Lord Bernard Howard son of the Earl of Arundel. The parties met at Barnes Elms. According to the custom of the day, the seconds also engaged each other. The combat on both sides was long and desperate. Buckingham ran Lord Shrewsbury through the body; Sir John Talbot was severely wounded in both arms, and Jenkins was left dead on the field Buckingham and the other seconds were only slightly wounded. It was reported, that during this murderous conflict Lady Shrewsbury, in a page's attire, was holding Buckingham's horse in a neighbouring thicket, to facilitate his escape in the event of his having killed her husband. Such a circumstance is very possible, as showing the profligacy of the

times, since it was reported, and generally believed, that Lady Shrewsbury had not only been most anxious that the meeting should take place, but actually slept the same night with her paramour in the very shirt stained with the blood from the wound he had received as her champion.

The King, by proclamation, pardoned all parties concerned in the death of Sir J. Jenkins, but declared his determination not to extend his gracious mercy to future offenders. After this duel Buckingham, patronised by Lady Castlemaine, openly took Lady Shrewsbury to live with him in his own house; and when the Duchess ventured to expostulate on such a line of conduct, adding, that it was out of the question that she and his mistress should live under the same roof, he quietly replied, "That is also my opinion, madam, and I have therefore ordered your coach to carry you to your father." Buckingham and Lady Shrewsbury afterwards lived together at Clifden.

Clifden's proud alcove,
The bower of wanton Shrewsbury and love.

After the death of the Earl of Shrewsbury this worthy pair dissipated the estate of the young earl; when the matter was brought before the House of Lords, and an award was made that the Duke should not converse or cohabit

with the Countess in future, and that each should enter into a security to the King's Majesty in the sum of 10,000*l.* for that purpose.

Sir William Coventry, a commissioner of the treasury, having been obliged by the vexation he had experienced from Buckingham, to resign his office, sent him a challenge, which was carried by Captain Holmes, one of the favourite's creatures, to the King, who immediately committed Coventry to the Tower.

The following anecdote fully illustrates the profligacy and venality of that period :—

"Gondemar was at this period one of the most dissolute and fashionable characters. He was then Spanish ambassador at our Court, and lived at Ely House, in Holborn, and his passage to Court was ordinarly through Drury-lane, Covent-garden being then an inclosed field. His gallantry was so renowned and sought for, that it is stated as he passed by, ladies would show themselves at their balconies to "present him their civilities" as he was carried in a litter, his infirmities being such that he could neither walk nor ride. One day passing by the Lady Jacob's house in Drury Lane, she exposed herself for a salutation; he was not wanting to her, but she, moving nothing but her mouth, gaped wide open upon him. He wondered at the Lady's incivility, but thought it might be haply a yawning fit that took her at that time; for trial whereof, the next

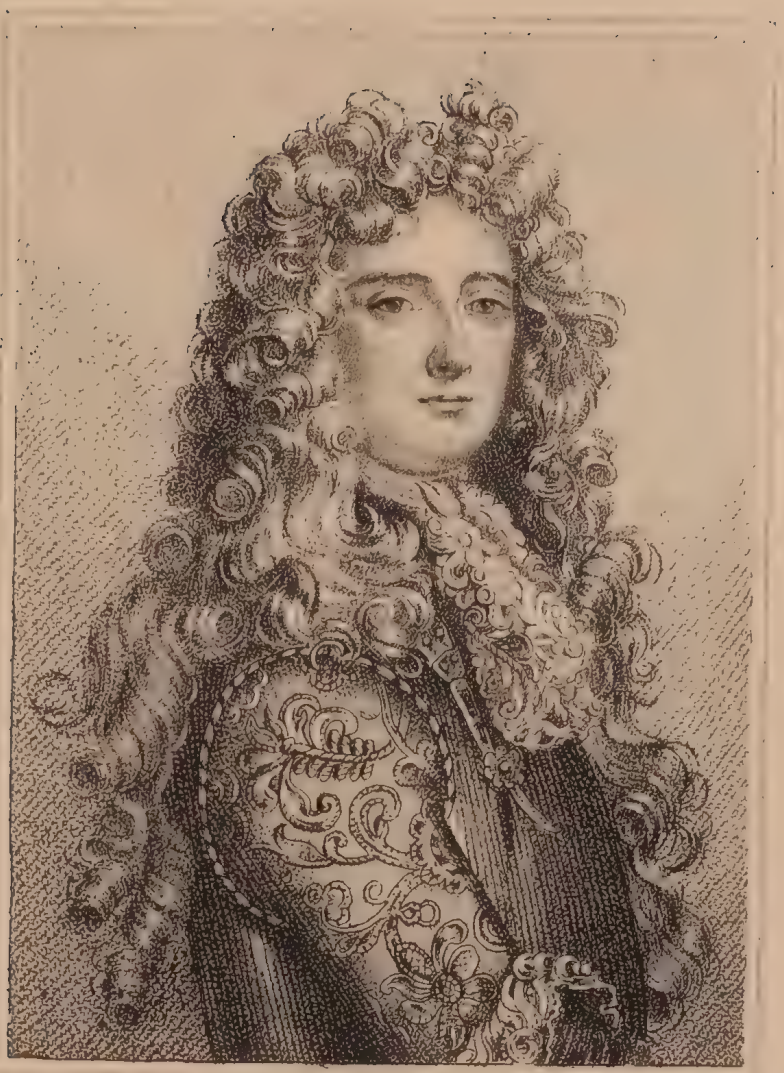
day he finds her in the same place; his courtesies were again accosted with no better expression than an extended mouth. Whereupon he sent a gentleman to her, to let her know that the ladies of England were more gracious to him than to encounter his respects with such affront. She answered that it was true that he had purchased some of their favours at a dear rate, and she had a mouth to be stopped as well as others! Gondemar finding the cause of the emotion of her mouth, sent her a present as an antidote, which cured her of the distemper."

Buckingham's marriage was an act of reparation of his profligacy. He had seduced the only daughter of the Earl of Rutland, and carried her to his lodgings at Whitehall. After having kept her there for some time he returned her to her father, who intimated to the royal favourite, "that he had too much of the gentleman to suffer such an indignity, and if he did not marry his daughter immediately, to restore her honour, no power should protect him from his just revenge." She was heiress to a considerable fortune, and Buckingham complied with the Earl's injunction.

In 1661, a quarrel arose in London between several ambassadors, which proved likely to lead to serious consequences. Philip IV. of Spain had sent the Baron de Batteville to London, where the Comte d'Estrade was ambassador for France. The Comte de Brabe, the Swedish ambassador,

had made his first entry in town, when a dispute arose amongst these ministers regarding precedence, each being anxious to take the lead of the other. The Baron de Batteville had cut the traces of the carriage of the French ambassador, and when the domestics of the latter sought to retaliate, they found that chains had been used instead of ordinary traces. The King of France recalled his minister, and the Spanish monarch sent the Comte de Fuentes to Paris to apologise for the conduct of his ambassador. A duel had been expected, as the Comte d'Estrade had been engaged in the hostile meeting between the Duc de Guise and the Comte de Coligny, and was considered a very punctilious person in such matters; but the parties very wisely had referred the affair to their respective courts.

At this period the pit of the theatre became the constant *arena* of quarrels that led to duels. The young bloods of the day made it a point to go to the playhouse, for the mere purpose of insulting females, and getting themselves involved in disputes that might increase their fashionable popularity. In 1720, Mrs. Oldfield, a celebrated actress, was performing in "The Scornful Lady," when Beau Fielding (the Orlando the Fair of the Tatler) insulted a barrister of the name of Fulwood, by pushing rudely against him. Fulwood expostulated with some degree of violence, upon which Fielding laid his hand upon his



Ro.t Fielding.

sword. The pugnacious lawyer drew, and gave his antagonist a severe wound in the body. Beau Fielding, who was then a man of above fifty years of age, came forward, and uncovering his breast, showed his bleeding wound to the public, to excite the compassion of the fair sex; but, to his no small disappointment, a burst of laughter broke forth from the audience. Fulwood, emboldened by his success with Fielding, repaired to Lincoln's-inn-fields Theatre, where he picked up another quarrel with a Captain Cusack, and then demanded satisfaction. They went into the fields, and the lawyer was professionally despatched by the soldier, and left dead on the ground.

Ball-rooms, masquerades, theatres, the open streets, the public walks, bagnios, and coffee-houses, now became constant scenes of strife and bloodshed; Covent-garden and Lincoln's-inn-fields became the rendezvous for deciding points of honour; and at all hours of the night the clashing of swords might be heard by the peaceable citizens returning home, at the risk of being insulted and ill treated by the pretty fellows, and the beaux of the day. The system of duelling pervaded all classes, and even physicians were wont to decide their professional altercations at the point of the sword. Doctors Mead and Woodward fought under the gate of Gresham College; the latter slipped his foot and fell. "Take your life," exclaimed Dr. Mead. "Any

thing but your physic," replied the prostrate Woodward.

Dr. Williams and Dr. Bennet, who had grossly abused each other in print on matters relating to their profession, had recourse to blows, when Dr. Bennet proposed a meeting to decide the business like gentlemen. This proposal being rejected by Dr. Williams, Dr. Bennet went the next morning to his house, and rapped at his door; Williams, on opening it, discharged a pistol, loaded with swan-shot, in the other's breast. The wounded doctor retired across the way towards a friend's house, being pursued by Williams, who, very near the door, fired a second pistol at him, and, whilst Bennet was endeavouring to draw his sword, which had been pacifically adhering fast to the scabbard, Williams ran him through the body. Bennet, although in this dismal condition, was able to draw his rapier; and praying to God to invigorate him to avenge his wrongs, he gave Williams a home thrust, which entered the upper part of his breast and came out at the shoulder blade, the sword snapping and part of it remaining in the wound. Williams in retreating to his house fell down dead, and Bennet lived but four hours after.

In the same year a duel was fought at Kinsale, in Ireland, which originated from Ensign Sawyer, of O'Farrell's regiment, having beaten the servant of an officer of the same corps, for giving a slighting answer to his wife. His master, Cap-

tain Wrey, had permitted his servant to obtain a warrant for the assault, which the Ensign hearing of, before he could be served with it, challenged the Captain to fight him on the spot. The Captain, after having in vain remonstrated with him upon the impropriety of his conduct, accompanied him to some distance out of town, to gain some time for persuasion; when the Ensign on a sudden drew his sword, and at the first onset wounded the Captain in the left breast; at the second pass, in the left arm, but on the third lounge the Captain ran him through the body, by which he expired in two hours, first owning himself the aggressor, and giving the Captain a kiss as a last farewell.

A fatal duel took place the same year between a Mr. Paul and a Mr. Dalton. They had passed the evening together in the company of some ladies, to one of whom Mr. Dalton was on the point of being married. A quarrel arose, and they parted in anger, especially Mr. Paul, who immediately after went to Mr. Dalton's lodgings, and not finding him at home, sent a message to him at a tavern, where he understood he was spending the evening. Mr. Dalton, upon reading it, hastened home, and in a few minutes after entered the room where Mr. Paul was waiting for him. The servant, soon after hearing a noise like fencing, ran up stairs; but before he could enter the room, heard the street-door shut; the candles

were out, and Mr. Paul had fled. He found his master expiring, having a wound in the upper part of his left breast. Upon this occasion the coroner's jury returned a verdict of wilful murder. Mr. Paul never submitted to his trial, and was outlawed.

While personal meetings were then frequent, and often carried on in the most dishonourable manner, general frays were not uncommon. In 1717, after a levee, a large party of gentlemen were assembled at the Royal Chocolate-house, in St. James's-street. Disputes at hazard produced a quarrel, which became general throughout the room; a *mêlée* ensued, and as they all fought with swords, three of the party were mortally wounded. The affray was only terminated by the interference of a party of the Guards; who, as entreaties and commands were of no avail, knocked the most pugnacious of the combatants down with the but-end of their muskets. A footman of one of the party (a Colonel Cunningham), who was greatly attached to his master, rushed through the drawn swords; and seizing him round the waist, actually carried him away.

In 1720, at twelve at night, about one hundred *gentlemen* were engaged in a riot in Windmill-street with swords and canes, when several of the party were desperately wounded. The watchmen sought to interfere, but were knocked down and barbarously ill-treated. At last a patrole of

Horse Guards came up; and finding the rioters obstinate, rode through them, cutting at them with their swords. Some were killed, and several of them were so desperately wounded that fears of their recovery were entertained. The quarrel had begun between two chairmen. Such was the state of society in London, and of its police, at that period.

A week after this outrageous breach of the peace, a Captain Fitzgerald, and three young men, met a lady in the Strand, returning from St. James's in a sedan-chair. They stopped the chairmen, and brutally attempted to force the lady out. The chairmen opposed them; when they drew their swords, and demolished the vehicle. The watchmen interfered, and one of them was run through the body, and immediately expired.

Clubs were formed of those desperadoes, who assumed the name of the "*Bold Bucks*," and the "*Hell-fires*." "*Blind and Bold Love*" was the motto of the former association, the members of which, according to a contemporary writer, "attempt females of their own species promiscuously. Their own sisters fear their violence, and fly their privacies." Atheism was an indispensable qualification for admission into their society, and their favourite dish for supper, at the taverns they haunted, was called "*A Holy Ghost Pie*;" but their chief house of *rendezvous* was a tavern

near Somerset House, where they usually assembled during Divine service with a loud band of music.

Their excesses became so notorious, and proved such a public grievance, that in 1721, a Royal proclamation was issued to suppress those clubs, and about the same time a check was put to duelling by the sentence of death passed on a Major Oneby, who thought it advisable to baulk the executioner and the public curiosity by committing suicide.

The following are the particulars of this very important case:—Major Oneby was indicted in the year 1726, for the murder of Mr. Gower, and a special verdict was found, stating that the prisoner being in company with the deceased, and three other persons, at a tavern, in a friendly manner, after some time began playing at hazard; when *Rich*, one of the company, asked if any one would set him three half crowns; whereupon the deceased, in a jocular manner, laid down three halfpence, telling Rich he had set him three pieces, and the prisoner at the same time set Rich three half crowns, and lost them to him. Immediately after which, the prisoner, in an angry manner, turned about to the deceased and said, "It was an impertinent thing to set down halfpence, and that he was an impertinent puppy for so doing;" to which the deceased answered, "whoever called him so was a rascal." Thereupon the pri-

soner took up a bottle, and with great force threw it at the deceased's head, but did not hit him, the bottle only brushing some of the powder out of his hair. The deceased, in return, immediately tossed a candlestick or bottle at the prisoner, which missed him; upon which they both rose up to fetch their swords, which were then hung up in the room, and the deceased drew his sword, but the prisoner was prevented drawing his by the company; the deceased thereupon threw away his sword, and the company interposing, they sat down again for the space of an hour.

At the expiration of that time, the deceased said to the prisoner, "We have had hot words, and you were the aggressor, but I think we may pass it over," at the same time offering his hand to the prisoner, who made for answer, "No, d—n you, *I will have your blood.*"

After which, the reckoning being paid, all the company, with the exception of the prisoner, went out of the room to go home, and he called to the deceased, saying, "Young man, come back, I have something to say to you." Whereupon the deceased returned into the room, and immediately the door was closed, and the rest of the company excluded; but they heard a clashing of swords, and the prisoner gave the deceased his mortal wound. It was also found that, on the breaking up of the company, the prisoner had his great coat thrown over his shoulders, and that

he received three slight wounds in the fight; and that the deceased being asked upon his death-bed whether he had received his wounds in a manner amongst swordsmen called fair, answered "I think I did." It was further found that after the throwing of the bottle, there was no reconciliation between the prisoner and the deceased.

Upon these facts all the judges were of opinion that the prisoner was guilty of murder; he having acted upon malice and deliberation, and not from sudden passion. The argument of the Chief Justice went to show, that after the door had been shut the parties were upon an equal footing in point of preparation before the fight began, in which the mortal wound was given. The main point then, on which the judgment turned, and so declared to be, was the evidence of *express malice*, after the interposition of the company, *and the parti s had all sat down again for an hour*. Under these circumstances the Court were of opinion that the prisoner had had *reasonable time for cooling;* after which, upon an offer of reconciliation from the deceased, he had made use of that bitter and deliberate expression, "*That he would have his blood;*" and again, the prisoner remaining in the room after the rest of the company had retired, and calling back the deceased by the contemptuous appellation of "*young man,*" on pretence of having something to say to him, altogether showed such strong proof of delibera-

Joſeph Addiſon Eſq.r

From an Original by S.r Godfrey Kneller.

Joseph Addison

His Autograph from an Original in the Poſſeſsion of
John Thane.

tion and coolness, as precluded the presumption of passion having continued down to the time of the mortal stroke, and that there was no doubt but that he had compelled Gower to defend himself.

It was also about this period that Addison and Steele, in the Spectator and the Tatler, endeavoured to draw public attention to this subject, and used both the power of persuasion and raillery to discountenance the disgraceful practice. In No. 84 of the Spectator, Steele wrote an essay against duelling, and in the character of Spinamont he alluded to a meeting that had taken place between Sir Cholmondeley Dering and Mr. Thornhill, when the former was killed. Thornhill was acquitted of the charge of murder; but two months after, he was stabbed by two men on Turnham-green, who exclaimed as they struck him, "*Remember Sir Cholmondeley Dering.*"

In the 9th number of the Spectator, Addison commences his remarks on duelling by describing the "Hum-Drum and Mum Clubs," and adds, "I cannot forbear mentioning a mischievous one that was erected in the reign of Charles II, I mean the club of duellists, in which none was to be admitted that had not fought his man. The president of it was said to have killed half a dozen in single combat; and as for the other members they took their seats according to the number of their slain. There was likewise a side-table for

such as had only drawn blood, and shown a laudable ambition of taking the first opportunity to qualify themselves for the first table. This club, which consisted only of men of *honour*, did not continue long, most of the members being put to the sword, or hanged, a little after the institution."

In a paper, No. 99, Addison relates the following anecdote:—"An English peer* used to tell a pleasant story of a French gentleman who visited him very early one morning; and after great professions of respect, let him know that he had it in his power to oblige him, which in short amounted to this, that he believed he could tell his Lordship the person's name who had jostled him as he came out of the Opera; but before he would proceed, he begged his Lordship that he would not deny him the honour of making him his second. The English Lord, to avoid being drawn into a very foolish affair, told him he was under particular engagements for his two next duels, to a couple of particular friends. Upon which the gentleman immediately withdrew, hoping his Lordship would not take it ill if he meddled no further in an affair from whence he himself was to reap no advantage."

Steele himself, notwithstanding his efforts to discountenance duelling, was drawn into a quarrel that very nearly proved fatal. At that period he was an officer in the Coldstream Guards, when a

* William, first Duke of Devonshire.

brother officer communicated to him his intention of calling out a person who had offended him, but was dissuaded from this purpose by the powerful arguments of Steele. Some of the other officers of the regiment thought proper to spread a report that Steele had thus interfered in the affair to skreen the offender from a merited chastisement, thus compromising the honour of the person whom he had offended. A challenge was therefore sent to Steele. He sought in vain to avoid the meeting, but at last consented. Relying on his skill in swordmanship, he felt persuaded that he could chastise the aggressor without endangering his life. The parties met, and Steele's buckle breaking as he was tightening his shoe, he urged this accident to induce the challenger to desist, but to no purpose. Swords were crossed, Steele parried several lounges, till at last, in an attempt to disarm his antagonist, he ran him through the body. After lingering some time in a hopeless state, Steele was delighted to hear of his recovery.

Notwithstanding the vogue of duelling, in many instances, as in the case of Steele, persons who were challenged endeavoured to decline a meeting, and the following letter from an officer of the Guards to a gentleman who had called him out, is an illustration of the light in which private combat was even then viewed by men of real honour:—

"Sir,—I reckon it my peculiar happiness that

I can produce the officers and soldiers who witnessed my behaviour at Fontenoy, as evidence of my courage. You may endeavour, if you please, to propagate my refusing your challenge, and brand me with cowardice; but I am fully convinced that nobody will believe me guilty, and every one will see that you are malicious. The cause in which we quarrelled was a trifle: the blood of a soldier should be reserved for nobler purposes. Love is blind, resentment mean, and taste capricious; and it ought to be considered that murder, though palliated by a false show of honour, is murder still, and calls for vengeance."

During the administration of Sir Robert Walpole the practice of duelling was most fashionable, and of course frequently resorted to. In the following letter to Mann, we find an illustration of the manners of the day (1750).

"About ten days ago, at the new Lady Cobham's assembly, Lord Hervey was leaning over a chair talking to some women, and holding his hat in his hand; Lord Cobham came up and spit in it—yes, spit in it—and then, with a loud laugh, turned to Nugent, and said 'Pay me my wager.' In short, he had laid a guinea that he committed this absurd brutality, and that it was not resented. Lord Hervey, with great temper and sense, asked if he had any further occasion for his hat. 'Oh, I see you are angry.' 'Not very well pleased.' Lord Cobham took the fatal hat and wiped it, and

made a thousand foolish apologies, and wanted to pass it off as a joke. Next morning he rose with the sun, and went to visit Lord Hervey: he would not see him, but wrote to the *spitter* (or, as he is now called, *Lord Gob'em*), to say that he had grossly insulted him before company, but having involved Nugent in it, he desired to know to which he was to address himself for satisfaction. Lord Cobham made a most submissive answer, and begged pardon both in his own and Nugent's name. Here it rested for a few days, till, the matter getting wind, Lord Hervey wrote again to insist upon an explicit apology under Lord Cobham's own hand, with a rehearsal of the excuses that had been made to him. This too was complied with, and the *fair conqueror* showed all the letters. Nugent's disgraces have not ended here. The night of his having declaimed so furiously against Lord Sandwich, he was standing by Lady Catherine Pelham at the masquerade, without his mask. She was telling him some history of a mad dog (which I believe she had bit herself). Young Leveson, the Duchess of Bedford's brother, came up, without his mask too, and looking at Nugent, said, 'I have seen a mad dog today, and a silly dog too.' 'I suppose, Mr. Leveson, you have been looking in the glass.' 'No, I see him now.' Upon which they walked off together, but were prevented from fighting (if Nugent would have fought), and were reconciled

at the sideboard. The former circumstance gave rise to a vulgar, but for a time, a fashionable saw, 'We spit in his hat on Thursday, and wipe it off on Friday."

Walpole calls Lord Hervey "The fair conqueror," from his great effeminacy, which induced Lord Cobham, better known as Earl Temple, to insult him in so gross a manner.

As the fashion of wearing swords gradually fell into desuetude, pistols were brought into play, and the fatal duel between Lord Byron and Mr. Chaworth was one of the last that took place with side-arms.

DUEL OF LORD BYRON AND MR. CHAWORTH, 1765.

On the 26th of January, 1765, Lord Byron and several other gentlemen dined together at the Star and Garter Tavern in Pall-mall. The party were chiefly from the county of Nottingham, assembled in a club, about seven in the evening. The conversation turned upon the subject of game; upon this occasion Mr. Chaworth had a warm argument with a gentleman seated next to him about the best manner of preserving game. Lord Byron joined the conversation, and gave as his opinion, that the best method was to take no care of it. Mr. Chaworth differed in opinion, and thought it more advisable to be strict with poachers. This drew on an altercation. Mr. Chaworth asserted that there was not a hare in

that part of the county which was not preserved by him, or by Sir Charles Sedley. Upon which Lord Byron offered a bet of 100*l.* that he had more game on a manor or manors of his, than Mr. Chaworth had on any belonging to him. Mr. Chaworth accepted the wager, and made a memorandum of it. Lord Byron then observed, with some degree of warmth, and in a sarcastic manner, "Sir Charles Sedley's manors! where are his manors!" To which Mr. Chaworth replied, with equal heat, "The manors of Hucknel and Nuttall." To which Lord Byron replied, "I know no manors of Sir Charles Sedley." Mr. Chaworth then observed that the manor of Nuttall was his, and that he had purchased it from his (Chaworth's) family, and added, "If your Lordship wants any further information about his manors, Sir Charles Sedley lives in Dean-street, and your Lordship knows where to find me in Berkley-square."

After this altercation the party remained together for about an hour in apparent good humour, and the conversation turned on various subjects. About eight o'clock Mr. Chaworth left the room, and asked a gentleman of the name of Douston, who was quitting it at the same time, whether he had observed the dispute between him and Lord Byron. This person replied, that he had heard part of it. On which Chaworth asked him if he thought he had gone far enough;

to which Mr. D. replied that he thought he had gone too far, that it was altogether a silly business, and neither of them should think any more about it.

Shortly after Lord Byron left the room also, and met Mr. Chaworth, when he stated that he wished to speak with him. He then called a waiter, and asked if there were any room disengaged. The waiter then showed them to an unoccupied room, and went in with a candle, which was all the light, except a dull fire, that was in the apartment. Lord Byron asked Mr. Chaworth whether it was to him or to Sir Charles Sedley, that he was to have recourse on the disputed subject. Mr. Chaworth then replied that it was to him, and that if he had any thing further to say in the matter it might be advisable to shut the door, which he immediately did; when turning round, he perceived Lord Byron with his sword half drawn, who instantly exclaimed, "Draw!" Mr. Chaworth immediately complied, and at the first thrust his sword passed through Lord Byron's waistcoat, and he thought he had wounded him, when Lord Byron shortened his sword, and gave him the fatal wound, observing at the same time that he had as much courage as any man in England. A struggle then took place between the parties, for when the waiter and the landlord entered the room they were grasped in each others arms, Mr. Cha-

worth holding his sword in his left hand, and Lord Byron having his in his right hand. Chaworth gave up his sword readily, but Lord Byron only surrendered his with reluctance. Hawkrup, the surgeon, was immediately sent for, and pronounced the wound to be mortal. The sword had entered about an inch on the left side of the naval, and passing obliquely upwards, had made its exit about five or six inches higher on the left side of the back, and in its passage had made a large opening in the bottom of the stomach, wounded one of the small intestines, and had passed through the diaphragm.

It appears that when the sword of Mr. Chaworth passed through the waistcoat of his antagonist, he expressed his apprehension that he had seriously wounded him. Now, under such an apprehension, it is probable that he was thrown off his guard, when Lord Byron immediately shortened his sword and ran him through the body, the unfortunate gentleman endeavouring to parry the thrust with his left hand, and seizing the gripe of his sword and struggling for it, still saying that he hoped his Lordship was not seriously hurt; it was then that Lord Byron exclaimed, "That he hoped he would acknowledge that he was as brave a man as any other in the kingdom."

Writhing under the agonies of his wound, Chaworth several times declared, that although he

well knew that he was in immediate danger of death, and pained and distressed as he then was, he had rather be in his present situation, than live under the misfortune of having killed another person; and when questioned on the nature of the quarrel, he expressed his conviction that it might have been easily made up. When asked by one of his relations, Mr. Leveriz, if the business had been fair, he remained silent. He only observed soon after, that when, after closing the door, he turned round, he perceived that Lord Byron's sword was half drawn; *knowing his man*, he drew his own as quickly as he could, and had the first pass at him. He further added, that he did not believe that Lord Byron intended fighting him when they entered the room, but seeing him up by the door, with scarcely any light in the room, he believed he thought he had him at advantage.

Lord Byron, in his defence, stated that the deceased had treated him during the altercation "in a slighting and contemptuous manner," stating that he had more game on five acres of his manor, than was on all his lordship's estates. He further stated, that on leaving the club-room he met Chaworth on the stairs, who asked him "if he had any commands for him," to which he replied, "I should be glad of an opportunity of speaking a few words to you." The door being closed, Lord Byron asked him "How am I to take those

words you used, as an intended affront from Sir Charles Sedley or yourself," to which, according to the survivor's statement, Chaworth replied, "Your Lordship may take them as you please, either as an affront or not, and I imagine this room is as fit a place as any other to decide the affair in." Lord Byron admitted, that at the very moment when his antagonist received his mortal wound, he exclaimed, "I am afraid I have killed your Lordship!" while at the same time he put his left hand to his belly, and Lord Byron observing that blood was flowing, expressed his fear that he had seriously wounded him, when he went to pull the bell for assistance, Mr. Chaworth saying, "My Lord, all I have to say is, that you have behaved like a gentleman."

The House of Lords found William, Lord Byron, "not guilty of the felony of murder, but of manslaughter," and his Lordship, claiming the benefit of the statute of Edward VI, was discharged, paying his fees.

This unfortunate duel leads to many important reflections. It appears that the parties were sober, that no previous ill-will existed between them; but that the vanity of both had been hurt by reflections on their manorial possessions; and the subject of game has ever been, and still continues to be, a sore one amongst country gentlemen. To fight without seconds has at all times been considered a murderous transaction; since no evi-

dence can be produced to prove that the foulest treachery may not have been perpetrated. Chaworth declined (most probably from a high sense of honour) accusing his antagonist of foul play; but he at the same time, on his death-bed, also declined admitting that there had been fair play. Lord Byron stated, that having parried Mr. Chaworth's first thrust, he made a second, which he also parried; and that then finding himself with his back against the table, with great disadvantage of light, he endeavoured to shift a little more to the right hand, which unavoidably brought him nearer to his antagonist, when they both made a thrust at the same time, Mr. C.'s sword passing against his ribs, and cutting his waistcoat and shirt for upwards of eight inches, and he supposes that it was then that Mr. C. received the unlucky wound.

It is impossible to form an opinion on this event, as to the fairness of the duel; it only tends to show, that any fatal meeting without seconds, should be visited with such severity as to prevent the probability of a recurrence.

In 1762, was fought the celebrated duel between Earl Talbot and John Wilkes. The dispute had originated in words used in the 12th number of the North Briton, on the 21st August, which conveyed reflections injurious to Earl Talbot, when Wilkes wrote the following letter to Colonel Berkeley (afterwards Lord Bottetourt):—

"Winchester, Sept. 30, 1762.

"SIR,

"Lord Talbot, by your message, has at last brought this most important question to the precise point where my first answer to his Lordship fixed it, if he preferred that. As you have only seen the two last letters, I must entreat you to cast your eye over those preceding; because I apprehend they will justify an observation or two I made this morning, when I had the honour of paying my respects to you at camp. Be assured, that if I am between heaven and earth, I will be on Tuesday evening at Telbury's, the Red Lion, at Bagshot, and on Wednesday morning will play this duel with his Lordship.

"It is a real satisfaction to me that his Lordship is to be accompanied by a gentleman of Colonel Berkeley's worth and honour.

"This will be delivered to you by my Adjutant, who attends me at Bagshot. I shall not bring any servant with me, from the fear of any of the parties being known. My pistols only, or his Lordship's, at his option, shall decide this point.

"I beg the favour of you to return me the letters, as I mean to leave Winchester this evening. I have Lord Bruce's leave of absence for ten days. "I am, &c.

"JOHN WILKES.

"I hope we may make a *partie quarrée* for supper on Tuesday, at Bagshot."

To this lively letter the following reply was sent:—

"Camp, near Winchester, Sept. 30, 1762.

"SIR,

"I have sent all the letters, and shall depend upon the pleasure of supping with you at Telbury's, the Red Lion, at Bagshot, Tuesday evening. My servant will attend me, as the going alone would give room for suspicion; but you may depend upon his following your directions at Bagshot, and that he shall not be seen where you would not have him. I am much obliged by your favourable opinion, and am, &c.

"H. BERKELEY."

"To Colonel Wilkes."

In a letter to Earl Temple, Wilkes gives the following account of this singular meeting:—

"Red Lion, at Bagshot,
"Tuesday, 10 at night, Oct. 5, 1762.

"MY LORD,

"I had the honour of transmitting to your Lordship copies of seven letters which passed between Lord Talbot and me. As the affair is now over, I inclose an original letter of Colonel Berkeley's, with a copy of mine previous to it, which fixed the particulars of our meeting, and therefore remained a secret, very sacredly kept by the four persons concerned.

"I came here at three this afternoon, and about five was told that Lord Talbot and Colonel

Berkeley were in the house. Lord Talbot had been here at one, and was gone again, leaving a message, however, that he would soon return. I had continued in the room where I was at my first coming for fear of raising any suspicion. I sent a compliment to Colonel Berkeley, and that I wished to see him; he was so obliging as to come to me directly. I told him that I supposed we were to sup together with Lord Talbot, whom I was ready to attend as became a private gentleman, and that he and Mr. Harris (my Adjutant), as our seconds, would settle the business of the next morning, according to my letter to him from Winchester, and his answer. Berkeley said that his Lordship wished to finish the business immediately. I replied, that the appointment was to sup together that evening and to fight in the morning; that in consequence of such an arrangement, I had, like an idle man of pleasure, put off some business of real importance, which I meant to settle before I went to bed. I added, that I came from Medmenham Abbey, where the jovial monks of St. Francis had kept me up till four in the morning. That the world would therefore conclude that I was drunk, and form no favourable opinion of his Lordship from a duel at such a time; that it more became us both to take a cool hour of the next morning, and as early a one as was agreeable to his Lordship. Berkeley said that he had undertaken to bring us together,

and as we were both now at Bagshot, he would leave us to settle our own business. He then asked me if I would go with him to his Lordship. I said I would any moment he pleased. We went directly, with my Adjutant.

"I found his Lordship in an agony of passion. He said that I had injured him; that he was not used to be injured or insulted. What did I mean? Did I, or did I not, write the North Briton of August the 21st, which affronted his honour? He would know; he insisted on a direct answer; here were his pistols. I replied, that he would soon use them; that I desired to know by what right his Lordship catechised me about a paper that did not bear my name; that I should never resolve the question to him till he made out the right of putting it; and that if I could have entertained any other idea, I was too well bred to have given his Lordship and Colonel Berkeley the trouble of coming to Bagshot. I observed that I was a private English gentleman, perfectly free and independent, which I held to be a character of the highest dignity; that I obeyed with pleasure a gracious sovereign, but would never submit to the arbitrary dictates of a fellow-subject, a lord steward of his household, my superior indeed in rank, fortune, and abilities, but my equal only in honour, courage, and liberty. His Lordship then asked me if I would fight him that evening. I said that I preferred

the next morning, as it had been settled before, and gave my reasons. His Lordship replied that he insisted on finishing the affair immediately. I told him that I should very soon be ready; that I did not mean to quit him, but would absolutely first settle some important business relative to the education of my only daughter, whom I tenderly loved; that it would take up but very little time; and that I would immediately decide the affair in any way he chose, for I had brought both sword and pistols. I rang the bell for pen, ink, and paper, desiring his Lordship to conceal his pistols, that they might not be seen by the waiters. He soon after became half frantic, and used a thousand indecent expressions, that I should be *hanged, damned,* &c., &c. I said that I was not to be frightened, nor in the least affected by such violence; that God had given me a firmness and spirit equal to his Lordship's, or any man's; that cool courage should always mark me; and that it would be seen how well bottomed he was.

"After the waiter had brought pen, ink, and paper, I proposed that the door of the room should be locked, and not opened till our business was decided. His Lordship, on this proposition, became quite outrageous; declared that this was mere *butchery,* and that I was a wretch who sought his life. I reminded him that I came there on a point of honour to give his Lordship satisfaction; that I mentioned the circumstance

of shutting the door only to prevent all possibility of interruption; and that I would, in every circumstance, be governed, not by the turbulence of the most violent temper I had ever seen, but by the calm determination of our two seconds, to whom I implicitly submitted. His Lordship then asked me if I would deny the paper. I answered that I would neither own nor deny it; if I survived, I would afterwards declare, but not before.

"Soon after he grew a little cooler, and in a soothing tone of voice, said, 'I have never, I believe, offended Mr. Wilkes, why has he attacked me? He must be sorry to see me unhappy.' I asked him upon what grounds his Lordship imputed the paper to me? That Mr. Wilkes would justify any paper to which he had put his name, and would equally assert the privilege of not giving any answer whatever about a paper to which he had not; that that was my undoubted right, which I was ready to seal with my blood.

"He then said he admired me exceedingly, really loved me, but I was an unaccountable animal—such parts! But would I kill him who had never offended me? &c., &c. We had after this a good deal of conversation about the Bucks' Militia and the day his Lordship came to see me on Wycombe Heath, before I was colonel. He soon after flamed out again, and said to me, 'You are a murderer, you want to kill me, but I am sure I shall kill you, I know I shall, by G—d!

If you will fight, if you will kill me, I hope you will be *hanged.* I know you will.' I asked if I was first to be *killed* and afterwards to be *hanged?* That I knew his Lordship fought me with the King's pardon in his pocket, and I fought him with a halter about my neck. That I would fight him for all that, and if he fell I should not tarry here a moment for the tender mercies of such a ministry; but would directly proceed to the next stage, where my valet waited for me, from thence I would make the best of my way to France, as men of honour were sure of protection in that country. He then told me that I was an *unbeliever,* and wished to be killed. I could not help smiling at this, and observed that we did not meet at Bagshot to settle articles of faith, but points of honour; that, indeed, I had no fear of dying, but I enjoyed life as much as any man; that I am as little subject to be gloomy or even peevish, as any Englishman whatever; that I valued life and the fair enjoyments of it so much, I would never quit it with my own consent, except on a call of honour.

"I then wrote a letter to your Lordship, respecting the education of Miss Wilkes, and gave you my poor thanks for the steady friendship with which you have so many years honoured me. Colonel Berkeley took the care of the letter, and I have since desired him to send it to Stowe; for the sentiments of the head at such a moment

are beyond all politics, and indeed everything else, except such virtue as Lord Temple's.

"When I had sealed my letter, I told his Lordship I was entirely at his service, and I again desired that we might decide the affair in the room, because there could not be a possibility of interruption; but he was quite inexorable. He then asked me how many times we should fire. I said, that I left it to his choice. I had brought a flask of powder and a bag of bullets. Our seconds then charged the pistols which my Adjutant had brought. They were large horse-pistols. It was agreed that we should fire at the word of command, to be given by one of our seconds. They tossed up, and it fell to my Adjutant to give the word.

"We then left the room, and walked to a garden at some distance from the house. It was near seven, and the moon shone brightly. We stood about eight yards distant, and agreed not to turn round before we fired, but to continue facing each other. Harris gave the word. Both our fires were in very exact time, but neither took effect.

"I walked up immediately to his Lordship, and told him, that now I avowed the paper. His Lordship paid me the highest encomiums on my courage, and said, he would declare everywhere that I am the noblest fellow God had ever made. He then desired that we might now be good

friends, and retire to the inn to drink a bottle of claret together, which we did with great good humour and much laugh.

"His Lordship afterwards went to Windsor, Colonel Berkeley and my Adjutant to Winchester, and I continue here until to-morrow morning, waiting the return of my valet, to whom I have sent a messenger. Berkeley told me he was grieved at his Lordship's passion, and admired my coolness and courage beyond his farthest idea, —that was his expression.

"I am, my Lord, &c.

"JOHN WILKES."

According to our modern notions of duelling, in this curious transaction one might be disposed to think that neither of the parties was particularly anxious to fight. That Wilkes should have wished to sup in company with the person whom he had offended, the night before the duel, would lead one to fancy that he contemplated the possibility of a reconciliation. On the other hand, Lord Talbot, by his conduct, which was most ungentlemanly and outrageous, seemed disposed to bully Wilkes into a concession; and both parties talked of killing, with a view to terrify each other. From the well-known character of Wilkes, no one could doubt his courage; but his refusing to acknowledge himself the writer of the offensive article, which he after the duel

admitted to have been his, was a shallow act, that nothing could have justified but the insulting manner in which Lord Talbot put the question to him ; and most assuredly his Lordship had the worst of the affair, since he was satisfied with a shot returned, although Wilkes acknowledged himself the writer of the insulting paragraph. The frequency of the duels that occurred in those days does not appear to have given them, generally speaking, a character of much delicacy or punctilious honour ; and they seem to have been the result of fashion more than of feeling.

In 1763 Wilkes got involved in another duel, with Mr. Martin, Secretary to the Treasury. The North Briton, of which he was the editor, with its usual acrimony against the members of the administration, had introduced some characteristic sketches, supposed to allude to Samuel Martin, member of Parliament for Camelford, and Secretary to the Treasury, and afterwards the hero in Churchill's poem, " The Duellist." The following was the offensive paragraph :—

" The secretary of a certain board, and a very apt tool of ministerial persecution, who, with a snout worthy of a Portuguese inquisitor, is hourly looking out for carrion in office, to feed the maw of the insatiable vulture, *imo, etiam in senatum venit, notat et designat unamquemque nostrúm,* he marks us, and all our innocent families, for beg-

gary and ruin. Neither the tenderness of age, nor the sacredness of sex, is spared by the cruel Scot."

In a further number notice is again taken "of the most treacherous, base, selfish, mean, abject, low-lived, and dirty fellow, that ever wriggled himself into a secretaryship."

In consequence of that paragraph, which Mr. Martin applied to himself, he made use of very insulting language in the House of Commons, when speaking of the North Briton, upon which Wilkes sent him the following letter :—

"Great George Street, Nov. 16, 1763.

"SIR,

"You complained yesterday before five hundred gentlemen, that you had been *stabbed in the dark* by the North Briton. But I believe you were not so much in the *dark* as you affected and chose to be. Was the complaint made before so many gentlemen on purpose that they might interpose? To cut off every pretence of this kind, as to the author, I whisper in your ear, that every passage of the North Briton in which you have been named or alluded to, was written by

"Your humble servant,

"JOHN WILKES."

To this letter Mr. Martin returned the following answer :—

"Arlington Street, Nov. 16, 1763.

"SIR,

"As I said in the House of Commons yesterday, that the writer of the North Briton, who had stabbed me in the dark, was a cowardly as well as a malignant scoundrel, and your letter of this morning's date acknowledges that every passage of the North Briton in which I have been named, or even alluded to, was written by yourself, I must take the liberty to repeat, that you are a malignant and infamous scoundrel, and that I desire to give you an opportunity of showing me whether the epithet *cowardly* was rightly applied or not. I desire that you may meet me in Hyde Park immediately, with a brace of pistols each, to determine our difference. I shall go to the ring in Hyde Park, with my pistols, so concealed that nobody may see them, and I will wait in expectation of you one hour. As I shall call on my way at your house to deliver this letter, I propose to go from thence directly to the ring in Hyde Park, from whence we may proceed, if it be necessary, to any more private place. And I mention that I shall wait an hour, in order to give you the full time to meet me.

"I am, sir, your humble servant,

"SAMUEL MARTIN."

When the parties met in Hyde Park, they walked together a little while to avoid some com-

pany which seemed coming up to them. They brought each a pair of pistols. When they were alone, the first fire was from Mr. Martin's pistol, which missed Mr. Wilkes. The pistol in Mr. Wilkes's hand only flashed in the pan. The gentlemen then each took one of the remaining pistols. Mr. Wilkes missed, and the ball of Mr. Martin's pistol lodged in Mr. Wilkes's belly. He bled immediately very much. Mr. Martin came up, and desired to give him all the assistance in his power. Mr. Wilkes replied, that Mr. Martin had behaved like a man of honour; that he was killed; and insisted on Mr. Martin's making his immediate escape, adding, that no person should know from him how the affair happened. Upon this they parted. Mr. Wilkes was carried home; but would not tell any circumstance of the case, till he found it was perfectly known. He only said to the surgeon, that it was an affair of honour.

The day following, Mr. Wilkes, imagining himself in great danger, returned to Mr. Martin his letter, that no evidence might appear against him, and insisted upon it, with his own relatives, that in case of his death, no trouble should be given to Mr. Martin, for he had behaved as a man of honour.

The ball was extracted by Mr. Graves, a surgeon. It had struck Mr. Wilkes's coat-button, entered his belly half an inch below the navel,

and sunk obliquely on the right side towards the groin; but it had not penetrated the cavity of the abdomen. It was extracted behind.

When he was able to write, he sent notice by letter to the Speaker of the House of Commons of the condition of his health; and on Friday, the 16th, the House made the following order:— "That Dr. Heberden, physician, and Mr. Cæsar Hawkins, one of His Majesty's serjeant-surgeons, be desired to attend John Wilkes, Esq., to observe the progress of his cure; and that they, together with Dr. Brocklesby and Mr. Graves, do attend this House to report their opinion thereupon, on the 19th of January next, in case the said John Wilkes, Esq. be not then able to attend in his place."

The order being sent to Dr. Heberden, by order of the Speaker, he sent it to Dr. Brocklesby, with a letter, desiring to know when he might attend Dr. Brocklesby to Mr. Wilkes. Dr. Brocklesby sent the order of the House and Dr. Heberden's letter to Mr. Wilkes, who immediately showed his delicacy of feeling on the subject by sending a polite card to Dr. Heberden, saying, that he was well satisfied with the attention and skill of Dr. Brocklesby and Mr. Graves; that he did not wish to see Dr. Heberden for some weeks. He sent a similar card to Mr. Hawkins.* Mr. Mar-

* The officious interference of the Speaker on this occasion was evidently offensive to the professional character of Dr.

tin immediately proceeded to Paris; and on Mr. Wilkes's arrival in that city, notes, and a friendly visit, were exchanged between them.

Mr. Martin's conduct in this transaction had been highly honourable; but the public was so much exasperated at the danger to which Wilkes had been exposed, that no credit was given to the spirit which his antagonist had displayed. On the contrary, it was remarked, that Mr. Martin had taken no notice of the objectionable passage in the North Briton until about eight months after the publication, and that in so public and official a manner before the House, as almost to demand an interference. He was also accused of having during that period practised every day at a target, Sundays not excepted; and also with not having returned Mr. Wilkes's letter till a month after the duel, with a view, as it was suggested, had Mr. Wilkes speedily recovered, of making use of it in evidence of his being concerned in the North Briton.

These were not the only instances of his life being perilled as a political and party editor. He had not been long in Paris, after his recovery, when a Scotch captain, of the name of Charles John Forbes, called him out, as the writer of several articles in the North Briton against the

Brocklesby and Mr. Graves; and Mr. Wilkes, by the delicacy of his behaviour, conveyed a severe censure on his conduct and that of the House.

dignity of Scotland. Wilkes pleaded other engagements of the same nature, but expressed his willingness to give him satisfaction as soon as they were disposed of. The captain, in a wild manner, insisted upon an immediate meeting; but not being able to find a second, or any one to vouch for his being a gentleman, Wilkes declined accepting his request. This affair coming to the ear of the police, the parties were put upon their parole not to fight within the French dominions. Mr. Wilkes, upon this, offered to meet him in Flanders, or any country in Europe, Asia, Africa, or America, excepting the French territory. Soon after the return of Wilkes to London, Captain Forbes appeared there, with a view, as it was suspected, of fighting with him; but the ministry, upon getting notice of the arrival and intention of the Scotchman, very prudently caused it to be intimated to him, that his presence could not but be very disagreeable; upon which the doughty champion of Caledonia thought proper to leave the kingdom, and afterwards entered the Portuguese service a desperate adventurer.

In December 1763, another Scotchman, of the name of Alexander Dunn, obtained admission into Wilkes's apartment; but being suspected of a design to assassinate him, he was immediately seized and searched, when a new large penknife was found in his pocket; which circumstance,

coupled with a declaration which he had been heard to make, that he, and ten other sworn Scotch accomplices, had determined to cut Mr. Wilkes off, whatever might be the result, left little doubt of his intention. The papers found upon his person were laid before the House of Commons; but it was found upon further examination, that the man was deranged.

The duel of Wilkes with Lord Talbot was one of the first that occurred in the beginning of the reign of George III. Hostile meetings had now assumed a different character. Swords were no longer drawn in bagnios, taverns, and chocolate houses, on the spur of the moment, and public broils had ceased to become fashionable: since the wearing of side-arms had ceased to be customary, duels assumed a more regular and civilised form. The desperate conduct of the "bloods" and "bucks" of the day was no longer considered a proof of gentlemanlike bearing, and a man might be looked upon as fashionable without being what was called *a hell-fire rake.* The violence of party had now succeeded trifling dissentions and tavern quarrels; and political differences not unfrequently excited high feelings of animosity, which could only be tempered in the field: and in the following chapter we shall see that duels were but of too frequent occurrence during this momentous reign, a circumstance which we shall endeavour to account for.

CHAPTER II.

Such was the frequent occurrence of duels in this long reign, that *one hundred and seventy-two* were fought (in which three hundred and forty-four persons were concerned); *sixty-nine* individuals were killed — in *three* of these fatal cases neither of the combatants survived; *ninety-six* were wounded, forty-eight of them desperately, and forty-eight slightly; while one hundred and seventy-nine escaped unhurt.

From this statement it will be seen, that rather more than *one* fifth of the combatants lost their lives, and that nearly *one half* received the bullets of their antagonists. It also appears, that only *eighteen* trials took place; that *six* of the arraigned individuals were *acquitted; seven* found guilty of manslaughter, and *three* of murder,—*two* of whom were executed, and *eight imprisoned* during different periods.

When we compare the frequency of duelling during this period and subsequent reigns, and at the same time consider how much more fatal these meetings generally proved, we are naturally

led to inquire into the causes of this material difference and amelioration in the condition of society. Desirable indeed would it be, if this circumstance could be attributed to a better feeling in the upper classes, and a just detestation of a practice as absurd as it is inhuman; but it is to be feared, that the influence of fashion here had no inconsiderable share in the change of manners. Though many men pre-eminent in public estimation have sanctioned the practice by their example; yet how few are they compared with those of former times, where we find York, Norfolk, Richmond, Bellamont, Exmouth, Talbot, Townshend, Shelburne, Paget, Castlereagh, Petersham, Pitt, Fox, Sheridan, Canning, Tierney, and many others of rank and distinction! May not this circumstance be also in some measure attributed to the frequency of the virulent discussions, which have become so frequent during the constant struggles for power, when insults becoming, one may say, of daily occurrence, are rarely noticed? Has not the influence of the increased number of newspapers, many of which have been conducted with a degree of personal animosity, and we must say, ungentlemanly vituperation, rendered the use of offensive language so general as to have become a matter of course in political argument, and therefore rarely noticed, except by still more abusive recrimination? If such a latitude in degrading phraseology had

been as generally prevalent in France, scarcely an editor would be now living to vindicate his excesses, by the satisfaction of pleading his antagonist's death; the lie, the blow, which would once have required the fall of one of the parties, is now only resented by another accusation of falsehood, a second edition of a thrashing, or an action at law.

Of late years, the most unwarrantable parliamentary language has been apologized for, on the plea of its not having been allusive to private character, so that a legislator, or a minister, may be considered a political scoundrel, but a worthy individual member of society; guilty of a falsehood in the house, but devoted to the cause of truth beyond the purlieus of St. Stephen; faithful to all his engagements with the world, but a traitor to his country; for, after all, what is the language of opposition, but a strenuous endeavour to impugn an adversary's veracity, to show, that for mere lucre or the vanity of possessing power and patronage, he betrays the most sacred trust reposed in him by his sovereign; that he hurries his country to perdition for the selfish motive of personal aggrandisement, and sacrifices the national weal for his own benefit and that of his family and dependants? can there be any insult offered to a man more pungent, more degrading? The lie, the blow, given in a moment of passionate ebullition,

are trifling offences, when compared to such serious charges, which, if substantiated, should not only expose a man to universal contempt and detestation, but to the most ignoble death. When such impeachments are hourly, daily made, can we expect much sensitiveness when reciprocal abuse is bandied at the bar of the House, as well as at the bar of courts of justice? Pleaders consider themselves justifiable in using the bitterest, the most unwarrantable language. They dress for the character they perform in wig and gown; and fancy that when they have doffed their attributes, they withdraw from the stage, and have merely performed their part in the great drama of life. Then again, in the intemperate language of opposition, how often does galling necessity, and bitter disappointment in not obtaining office (when its emoluments are required, to keep the wolf from the postulant's door), prompt the orator? and many a time perhaps an eloquent senator has drawn out the headings of his speech, on the back of an attorney's threatening letter, and the evil day is ever put off with the usual promise of speedy liquidation "*when the present people go out.*"

Men, in a public sphere of life, are, to a certain extent, public property. Their actions are exposed to the scrutiny of the community at large. A writer, however galled his acute vanity may be, cannot consider the abuse lavished on his

productions as a personal insult; and it is the same with the politician,—the invectives poured upon his public conduct are not esteemed as aspersions on his private character. A falsehood is considered an expedient evasion, an error; and a personal invective, a mere ebullition of eloquence, a bubbling over of the diplomatic cabinet, an opposition caldron, as heterogeneous and monstrous in its contents as that of the weird sisters.

These observations are not intended to condemn this philosophical view of the subject. Were these excesses noticed at the pistol's muzzle, it would only be adding murder to corruption; and, as society is constituted, when an electioneering hustings may be oftentimes compared to a stall at Billinsgate, a candidate who seeks to vindicate what he is complacently pleased to call *his honour*, must indeed be a Quixotic character, when he in general conscientiously knows that every syllable of his address to the voters is void of veracity, and all his pledges futile and false.

The frequent occurrence of duels, in former times, may also be attributed to the mode of living in days fortunately gone by. Hard drinking is now rarely heard of; and when it was in fashion, insults were often given under the influence of liquor, and vindicated under the plea of excitement from the preceding night's excesses.

In Ireland it was not uncommon for parties to sit up carousing during the entire night preceding the murderous meeting; and the break of day, through the casement of the hall of revelry, was the signal for departure to the field. One of the greatest curses of intemperance is the extreme susceptibility which it gives our pride and vanity; and if there is any ground for the proverb, *in vino veritas*, it may be attributed to the fact, that under this potent influence we sometimes know ourselves better than in our more sober hours. The pangs of repentance are more bitter, although they may be transient in these moments of excited reflection, when the past, the present, and the future are exaggerated in all their circumstances by an imagination morbidly vivid. It is then that we love, and hate, with all the energy of our hearts; that all our evil passions, and sometimes our good feelings, prevail; for the miser, over his cups, may become generous; the barbarous, humane; and the man who has perpetrated the most reckless crimes, will weep with apparent anguish over ideal woes. Were it possible to ascertain the influence of intemperance in the many duels that have been fought, it would doubtless appear that many of these fatal quarrels would never have taken place in a sober society.

It is also to be observed, that duels, when of constant recurrence, became the subject of general

conversation, and duels, like suicide, bear a fashionably contagious character, which spreads widely in society, and then the most mistaken of criminals fancies that he must also avenge certain wrongs, or rid himself of an uncertain life. The one feels a pleasure in killing a supposed enemy, and the other seeks a riddance from pain by killing himself. The one thinks that he must establish a character of courage, not to be despised by society, and the suicide bids farewell to a society which he disgraces; whereas, neither the one nor the other in these desperate acts displays a particle of true courage.

In the present state of society, insults to women are comparatively rare; and indeed, unless a person, who in the slightest degree claims the character of a gentleman, is labouring under the brutalizing influence of liquor, it is scarcely possible to imagine how he can so far forget every manly attribute as to offend a being whom nature has placed under our protection, and to whose assistance, when in danger, we rush instinctively. This cause of duelling is therefore seldom noticed.

Leaving off the wearing of swords, as I have already observed, rendered bloody frays less frequent; but at the same time, the adoption of pistols gave a much more serious complexion to a hostile meeting. It is true, that comparatively few shots tell, but the wounds of fire-arms are

in general more dangerous than those inflicted by a rapier. Skill in fencing might be of considerable advantage to a good swordsman; but it is also a well-known fact, that a man who has science in fencing, can not only parry a thrust, but inflict a mortal wound on one less dexterous. Moreover, when what was called the *first blood* was drawn, however trifling the scratch, the seconds generally interposed. It may be therefore concluded, that as mankind is taught to think soberly, the danger of a duel may deter many from rashly running its chance.

In recording the many duels that took place during this reign, several of them may appear trivial, and not worthy of notice, yet, as the history of duelling, as I have already said, may be considered as the mirror of the manners and prevalent ideas of the day, these circumstances, however insignificant, are of importance, inasmuch as they show both the progress and the gradual decline of this detestable practice; they will tend also to point out those cases where the most punctilious should have been amply satisfied with an apology, and where the seconds were guilty of murder, by allowing their principals to proceed to the fatal extremity of sending life in pursuit of the phantom misnamed *Honour*.

BETWEEN LORD KILMAURS AND A FRENCH OFFICER, May 1765.

Although this meeting took place at Marseilles; yet, as being one highly characteristic of the times, it may be properly considered here.

Lord Kilmaurs was the eldest son of the Earl of Glencarne, and was one of the best-natured persons imaginable; but, unfortunately, was extremely deaf. Being one evening at the play-house, he was talking rather loudly to the person who sat next to him, as deaf people generally do. This happened to give offence to a French officer, who was in the neighbouring box, who called out to his Lordship "*Paix!*" (silence); which word the officer repeated two or three times without its being heard, or of course attended to. Upon which the Frenchman rose, and exclaimed, with great violence in an angry tone of voice, "*Taisez-vous!*" His Lordship this time heard the insolent address; and observing the supercilious air that accompanied it, replied, that as the other had no right to command silence there, he should show his utter contempt of his insolent injunction by talking still louder, which he accordingly did.

The French officer soon after left the box; and, as his Lordship's ill star would have it, he also quitted his, and went into another, where the same officer was, but, it is reported, without the least thought of what had taken place, so much

so indeed, that looking about him on entering the box, he cast his eyes on the officer without recollecting him. The indignant Frenchman ran up to him, and asked him, what he meant by staring him in the face. To which Lord Kilmaurs replied, that he had a right to look at any one. The officer indignantly replied, that he was not to be treated in such a manner with impunity. Without any further preamble he exclaimed, "Come along!" and pulled his Lordship by the arm out of the box, and in the middle of the street struck him across the shoulder with his naked sword. Upon which Lord Kilmaurs drew, and made a pass or two; and before any one arrived to part them, received the sword of his antagonist in the pit of his stomach, whence it passed through his right shoulder; on which they were parted. They were immediately surrounded by numberless spectators. At first his Lordship was hardly sensible of his wound, but in a few moments he dropped down speechless; in which situation he must inevitably have been smothered by the pressing on of the crowd, had not the Duke de Pequigny brought a guard to keep them off. Again, he ran the risk of being stifled with his own blood, had not a surgeon, passing through the crowd, cut his stock and the neck of his shirt, and applied some drops to his nostrils. He remained several hours speechless, with almost every mortal symptom. These, however, passed off, and in three days he was out of danger.

The officer took post immediately into the Pope's dominions at Avignon, while a short detail of the affair was sent to the British ambassador at Paris, who settled the affair.

The same year (1765), a duel was fought between two officers on Kennington Common, when a Major A—— was desperately wounded by a ball in the breast, which came out at his side. His opponent effected his escape.

In 1769 a duel was fought in Ireland between Henry Flood and James Agar, when the latter was shot dead. An old quarrel had long subsisted between them, and this mode of arranging their differences was ultimately agreed upon.

Duels between dramatic performers are uncommon occurrences. It is true, that there does not exist a class of society more morbidly alive to the unction of flattery than players; but they are so accustomed to rudeness of behaviour amongst each other, the green-room and stage *familiarity* fully illustrating the old proverb, that insults generally go, if not *unheeded,* at any rate, according to the ideas of honour generally entertained, *unrevenged.* In 1770, on the 17th November, a meeting took place between George Garrick, the brother of the celebrated David, and Mr. Baddeley, both of Drury Lane. The trumpet of fame had long accused George Garrick of being

concerned in an intrigue with Baddeley's wife, till at last Baddeley, urged on by an intriguing mischievous Jew, who was himself a great admirer of the lady, was persuaded, that it became him, as a man of *parts*, to demand satisfaction. The parties very reluctantly met in Hyde Park; when Baddeley discharged his pistol without effect, and, indeed, it was reported, without aim, as his arm was as unsteady as that of Gil Blas in his first action with the robbers. Garrick magnanimously fired his in the air. On the arrival of Mrs. Baddeley, in a hackney-coach, who, jumping out of the vehicle, threw herself between the combatants in an imploring attitude, exclaiming, "Spare him! spare him!" the *tableau* was so effective that the parties embraced each other, and the interlude was concluded by a general reconciliation.

BETWEEN LORD MILTON AND LORD POULETT, January 29, 1771.

The cause of this duel was never well known. However, the meeting took place behind Bedford House. Lord John Cavendish was Lord Milton's second; and Captain Kelly, Lord Poulett's. When they had taken their ground, Lord Milton desired Lord Poulett to fire first, which he did, and the ball entered Lord Milton's belly.

In 1772 a melancholy meeting took place be-

tween a Mr. M'Lean, of Gartmoor, in Scotland, and a Mr. Cameron. An old grudge had existed between them, when the latter gave M'Lean the lie; a duel followed, and M'Lean was killed on the spot. His mother, on hearing of the melancholy event, was deprived of her reason, and a Miss M'Leod, a young lady, to whom Mr. M'Lean was soon to have been married, was seized with fits, and died three days after.

BETWEEN RICHARD BRINSLEY SHERIDAN AND MR. MATTHEWS.

When Mr. Sheridan became the avowed suitor of Miss Linley, the celebrated vocal performer, her father, the late composer, did not at first encourage his suit, and he had many rivals to overcome in his attempts to gain the lady's affections. His perseverance, however, increased with the difficulties that presented themselves; and his courage and resolution in vindicating Miss Linley's reputation from a calumnious report, which had been basely thrown out against her, obtained for him the fair prize for which he twice exposed his life.

Mr. Matthews, a gentleman, then well known in the fashionable circles at Bath, had caused a paragraph to be inserted in a public paper at that place, which tended to prejudice the character of this young lady, and Mr. Sheridan immediately

applied for redress to the publisher, who gave up the writer's name.

Mr. Matthews had, in the mean time, set out for London, and was closely followed by Mr. Sheridan. They met, and fought a duel with swords, at a tavern in Henrietta-street, Covent-garden. Mr. Sheridan's second on the occasion was his brother, Charles Francis, afterwards Secretary at War in Ireland.

Great courage and skill were displayed on both sides; but Mr. Sheridan having succeeded in disarming his adversary, compelled him to sign a formal retractation of the paragraph which had been published.

Sheridan instantly returned to Bath; and thinking, very properly, that as the insult had been publicly given, the apology should have equal notoriety, caused it to be inserted in the same paper. Mr. Matthews soon heard of the circumstance; and irritated at his defeat, as well as at the use which his antagonist had made of his apology, determined to call upon Mr. Sheridan for satisfaction. A message was accordingly sent, and a meeting agreed upon.

Mr. Sheridan would have been fully justified, according to the most delicate punctilios of honour, in declining the call; but he silenced all the objections that were started by his friends, and the parties met on Kingsdown.

The victory was desperately contested, and

after a discharge of pistols, they fought with swords. They were both wounded, and closing with each other, fell on the ground, where they continued to fight until they were separated. They received several cuts and contusions in this arduous struggle for life and honour, and a part of Matthews's sword was actually broken off in Sheridan's ear.

Miss Linley did not suffer the prowess of her champion to remain long unrewarded, and accompanied him on a matrimonial trip to the Continent. The ceremony was again performed on their return to England, with the consent of the lady's parents.

BETWEEN LORD TOWNSHEND AND THE EARL OF BELLAMONT.

February 2, 1773.

This afternoon, the long-subsisting difference between Lord Townshend and the Earl of Bellamont was finally decided in Marylebone Fields, when the latter received a ball in the right side of his belly, near the groin.

They were armed with small swords, and a case of pistols; but it was agreed to use the latter first. Lord Townshend fired first, which gave the unfortunate wound, and Lord Bellamont discharged his pistol immediately after, without effect. The seconds were the Hon. Mr. Dillon

for Lord Bellamont, and Lord Ligonier for Lord Townshend.

Lord Bellamont was immediately taken up and put into a chaise; but from the agony arising from his wound, he could not bear the motion. A chair was, therefore, immediately sent for to carry him to his lodging, where, on his arrival, he desired to be laid on his back. Mr. Bromfield and other surgeons were immediately called in, who endeavoured, but in vain, to extract the ball. His lordship ultimately recovered after great suffering.

BETWEEN MR. SCAWEN AND MR. FITZGERALD.

September 1, 1773.

This day a duel was fought between Mr. Scawen and Mr. Fitzgerald, near Lisle, in which neither of the gentlemen received any hurt. Mr. Fitzgerald fired two pistols, one by design and one by accident. Mr. Scawen fired one in the air, when making some slight apology for the cause of the duel, the parties were reconciled, and returned highly satisfied with the issue of the affair.

BETWEEN MR. WHATELY AND JOHN TEMPLE, ESQ.

December 11, 1773.

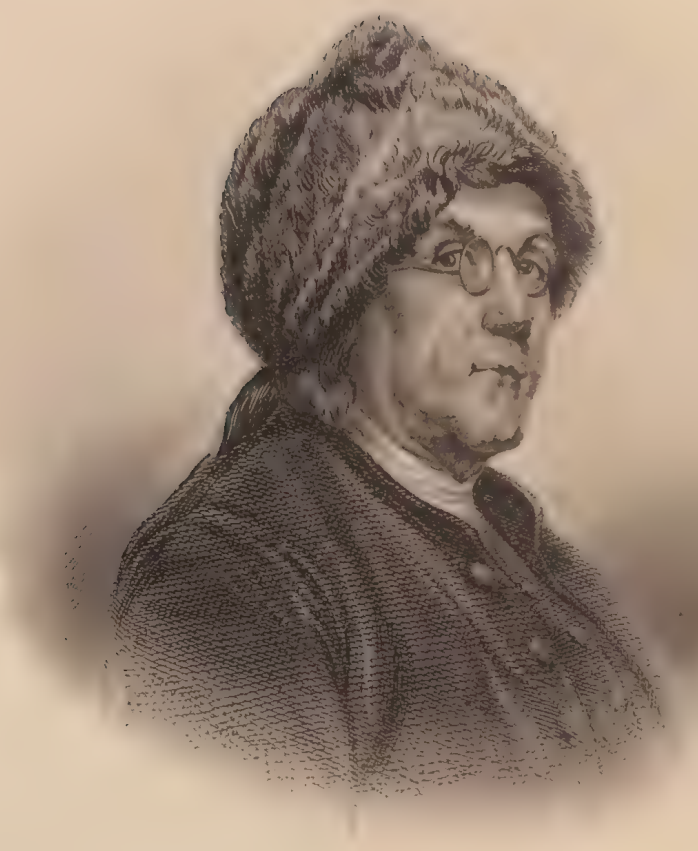
A duel was fought in Hyde Park, between Mr. Whately, brother of Mr. Whately, late Secretary

to the Treasury, and John Temple, Esq., Lieutenant-Governor of New Hampshire, when the former was dangerously wounded.

The cause of quarrel was—the discovery of the confidential letters written by Messrs. Hutchinson, Oliver, Paxton, &c. &c., which were lately laid before the Assembly at Boston, and have been since published in most of the London papers.

Soon after this duel was fought, the following information was given to the public by Doctor Franklin:—

"Finding that two gentlemen have been unfortunately engaged in a duel about a transaction and its circumstances, of which both of them are totally ignorant and innocent, I think it incumbent on me to declare (for the prevention of further mischief, as far as such a declaration may contribute to prevent it) that I alone am the person who obtained, and transmitted to Boston, the letters in question. Mr. Whately could not communicate them, because they were never in his possession; and, for the same reason, they could not be taken from him by Mr. Temple. They were not of the nature of *private letters between friends.* They were written by public officers to persons in public stations, on public affairs, and intended to produce public measures. They were, therefore, handed to other public persons, who



might be influenced by them to produce those measures. Their tendency was to incense the mother-country against her colonies; and, by the steps recommended, to widen the breach, which they effected. The chief caution expressed with regard to privacy was, to keep their contents from the colony agents, who, the writers apprehended, might return them, or copies of them, to America. That apprehension was, it seems, well-founded; for the first agent who laid his hands on them, thought it his duty to transmit them to his constituents.

(Signed) "BENJAMIN FRANKLIN,
"Agent for the House of Representatives
of the Massachussets Bay."

BETWEEN CAPTAIN STONEY AND THE REV. MR. BATE.
January 13, 1777.

A rencontre happened at the Adelphi Tavern, in the Strand, between Captain Stoney and Mr. Bate, editor of the Morning Post.

The cause of quarrel arose from some offensive paragraphs that had appeared in the Morning Post, highly reflecting on the character of Lady Strathmore. After having discharged their pistols at each other without effect, they drew their swords; and Mr. Stoney received a wound in the breast and arm, and Mr. Bate one in the thigh. Mr. Bate's sword bent, and slanted against the captain's breast-bone, of which Mr. Bate appris-

ing him, Captain Stoney called to him to straighten it; and, in the interim, while the sword was under his foot for that purpose, the door was burst open, or the death of one of the parties would most certainly have ensued. On the Saturday following Captain S. married the lady whom he had thus defended at the hazard of his own life.

BETWEEN COUNT RICE AND VISCOUNT DU BARRY.

Bath, November 23, 1778.

On Saturday, the 17th inst., Count Rice and Viscount du Barry, being together in the house of the latter, a question arose between them about which they disagreed; and in the heat of the dispute, upon an assertion of Count Rice, Viscount du Barry said, "Cela n'est pas vrai," to which Count Rice immediately observed, "You probably do not observe the idea that expression conveys in the language you speak in, and that it admits but of one very disagreeable interpretation." Upon which the other replied, "You may interpret it as you please." This ungentleman-like treatment having provoked the resentment of Count Rice, and Viscount du Barry offering no apology, they immediately sent for seconds, who did not quit them till they got to Claverton Down, where they remained, together with a surgeon, till daylight, when they took the field, each armed with two pistols and a sword.

The ground being marked out by the seconds, the Viscount du Barry fired first, and lodged a ball in Count Rice's thigh, which penetrated as far as the bone. Count Rice fired his pistol, and wounded the Viscount in the breast. He went back two or three steps, then came forward again, and both at the same time presented their pistols to each other. The pistols flashed together in the pan, though one only was discharged. They then threw away their pistols, and took to their swords. When Count Rice had advanced within a few yards of the Viscount, he saw him fall, and heard him cry out, "Je vous demande ma vie." To which Count Rice answered, "Je vous la donne." But in a few seconds the Viscount fell back and expired.

Count Rice was brought with difficulty to Bath, being dangerously wounded. But he afterwards recovered.

The coroner's inquest sat on the Viscount's body; and after a mature examination of the witnesses and the Viscount's servant, brought in their verdict "Manslaughter."

BETWEEN A LIEUT.-COLONEL AND A LIEUTENANT OF MILITIA.

August 25, 1779.

A duel was fought at Coxheath between a Lieutenant of militia and a Lieut.-Colonel, when

the latter was shot in the left breast, and expired immediately. The deceased had charged the lieutenant with exciting his men to mutiny, of which he was honourably acquitted by a court-martial.

BETWEEN THE HON. CHAS. JAS. FOX AND MR. ADAM.
November 30, 1779.

Mr. Fox having in debate, one day in the preceding week, animadverted, with some degree of asperity, on a particular species of argument, frequently made use of by the friends of ministers, viz.:—"That bad as the ministry were, it was not certain that the nation would be at all bettered by taking their opponents"—a Mr. Adam, who had made use of that argument in the same debate, called on Mr. Fox, some days after, for an explanation.

The following letters passed on the above occasion:—

"St. Alban's Tavern, Saturday, 4 o'clock, Afternoon.

"Mr. Adam presents his compliments to Mr. Fox, and begs leave to represent to him, that upon considering again and again what had passed between them last night, it is impossible for him to have his character cleared to the public without inserting the following paragraph in the newspapers:—We have authority to assure the public, that in a conversation that passed between Mr. Fox and Mr. Adam, in consequence of the debate in the House of Commons on Thursday last,

Mr. Fox declared that however much his speech may have been misrepresented, he did not mean to throw any personal reflection upon Mr. Adam.

"Major Humberstone does me the honour of delivering this to you, and will bring your answer.

"To the Hon. Charles James Fox."

"SIR,

"I am very sorry it is utterly inconsistent with my ideas of propriety, to authorise the putting any thing into the newspapers, relative to a speech which, in my opinion, required no explanation. You, who heard the speech, must know, that it did convey no personal reflection upon you, unless you felt yourself in the predicament upon which I animadverted. The account of my speech in the newspapers is certainly incorrect, and certainly unauthorised by me; and therefore, with respect to them, I have nothing to say.

"Neither the conversation that passed at Brookes's, nor this letter, is of a secret nature; and if you have any wish to relate the one, or to show the other, you are perfectly at liberty so to do. I am, &c. &c.

"Chesterfield-street, half-past 2, Sunday, Nov. 28.

"To —— Adam, Esq."

"SIR,

"As you must be sensible that the speech printed in the newspapers reflects upon me personally, and as it is from them only that the public can

have their information, it is evident that, unless that is contradicted by your authority in as public a manner as it was given, my character must be injured. Your refusal to do this entitles me to presume that you approve of the manner in which that speech has been given to the public, and justifies me in demanding the only satisfaction such an injury will admit of.

"Major Humberstone is empowered to settle all particulars; and the sooner this affair is brought to a conclusion, the more agreeable to me.

"I have the honour to be, &c. &c.

"To the Hon. Charles James Fox."

In consequence of the above, the parties met, according to agreement, at eight o'clock in the morning. After the ground was measured out, at the distance of fourteen paces, Mr. Adam desired Mr. Fox to fire; to which Mr. Fox replied, "Sir, I have no quarrel with you, do you fire." Mr. Adam then fired, and wounded Mr. Fox, which, we believe, was not at all perceived by Mr. Adam, as it was not distinctly seen by either of ourselves. Mr. Fox then fired, without effect. We then interfered, asking Mr. Adam if he was satisfied. Mr. Adam replied, "Will Mr. Fox declare he meant no personal attack upon my character?" Upon which Mr. Fox said, this was no place for apology, and desired him to go on. Mr. Adam fired his second pistol without effect.

Mr. Fox fired his remaining pistol in the air; and then saying, as the affair was ended, he had no difficulty in declaring, he meant no more personal affront to Mr. Adam than he did to either of the other gentlemen present, Mr. Adam replied, "Sir, you have behaved like a man of honour."

Mr. Fox then mentioned that he believed himself wounded; and upon his opening his waistcoat it was found it was so, but to all appearance slightly. The parties then separated, and Mr. Fox's wound, on examination, was found not likely to produce any dangerous consequences.*

BETWEEN COUNSELLOR R—— AND ——
November, 1779.

A remarkable trial lately happened in the Court of King's Bench, in Ireland. A Counsellor R— had fought a duel with a gentleman, and killed him. He traversed the indictment, and imagined the jury, as usual, would bring in their verdict of "manslaughter." But the barrister found himself mistaken: they deemed the intentions of two men going out, premeditatedly, to fight, to be "malice aforethought;" and to the astonishment of the Court, brought the prisoner

* On discovering his wound, and in allusion to a report then prevalent as to the badness of the ammunition supplied to the army, it is said that Fox jocosely exclaimed, "Egad! Adam, it would have been all over with me, if you had not been charged with Government powder!"

in "guilty,"—Death. The judges desired them to recommend him to the Bench as an object of mercy. They did it with reluctance.

BETWEEN THE EARL OF SHELBURNE AND COLONEL FULLARTON.

March 22, 1780.

Mr. Fullarton, member for Plympton, and late secretary to Lord Stormont, in his embassy to the Court of France, complained to the House of the ungentlemanlike behaviour of the Earl of Shelburne, who, he said, with all the aristocratic insolence that marks that nobleman's character, had, in effect, *dared* to say, that he and his regiment were as ready to act against the liberties of England, as against her enemies. This occasioned some altercation between those who were the friends of each party; but being generally thought unparliamentary, it went at that time no farther.

However, on the 22d of March the parties had a meeting.

Lord Shelburne, with Lord Frederick Cavendish for his second, and Mr. Fullarton, with Lord Balcarras for his second, met at half-past five in Hyde Park, March 22, 1780. Lord Balcarras and Lord F. Cavendish proposed that both parties should obey the seconds. Lord Shelburne and Mr. Fullarton walked together, while Lord

Balcarras and Lord F. Cavendish adjusted all ceremonials, and fixed on pistols as the proper weapons. When they came to the ground, Lord Shelburne told them that his pistols were already loaded, and offered to draw them, which was rejected by Lord Balcarras and Colonel Fullarton; upon which Lord Balcarras loaded Colonel Fullarton's pistols. The seconds having agreed that twelve paces was a proper distance, the parties took their ground. Colonel Fullarton desired Lord Shelburne to fire, which his Lordship declined; and Colonel Fullarton was ordered by the seconds to fire. He fired and missed. Lord Shelburne returned it, and missed. Mr. Fullarton then fired his second pistol, and hit Lord Shelburne in the right groin, which his Lordship signified; upon which every body ran up, and the seconds interfered. Lord F. Cavendish offered to take the pistol from Lord Shelburne; but his Lordship refused to deliver it up, saying, "I have not fired that pistol." Mr. Fullarton returned immediately to his ground, which he had left with a view of assisting his Lordship, and repeatedly desired his Lordship to fire at him. Lord Shelburne said, "Sure, sir, you do not think I would fire my pistol at you;" and fired it in the air. The parties and their seconds joined together. Lord Balcarras asked Lord Shelburne if he had any difficulty in declaring he meant nothing personal to Colonel Fullarton. His Lord-

ship replied, "You know it has taken another course; this is no time for explanation." His Lordship then said to Colonel Fullarton, "Although I am wounded, I am able to go on if you feel any resentment." Colonel Fullarton said, "He hoped he was incapable of harbouring such a sentiment." Lord F. Cavendish declared, that, from the character he had heard of Colonel Fullarton, he believed so. Colonel Fullarton said, "As your Lordship is wounded, and has fired in the air, it is impossible for me to go on."

Lord Balcarras and Lord F. Cavendish immediately declared, "That the parties had ended the affair by behaving as men of the strictest honour."

On hearing of the above affair, the following message was sent from the City:—

"The Committee of Common Council for corresponding with the committees appointed, or to be appointed, by the several counties, cities, and boroughs in this kingdom, anxious for the preservation of the valuable life of so true a friend of the people as the Earl of Shelburne, respectfully inquire after his Lordship's safety, highly endangered in consequence of his upright and spirited conduct in Parliament.

"By order of the Committee,

"W. Rix."

"The Earl of Shelburne."

BETWEEN MR. DONOVAN AND CAPT. JAMES HANSON.

April, 1780.

At the assizes at Kingston, in Surrey, the trials on the Crown side came on before the Hon. Mr. Justice Gould, and a special jury, when Mr. Donovan (who voluntarily surrendered himself) was tried for having killed, in a duel, Captain James Hanson. It appeared by a number of respectable witnesses, that the deceased was entirely in fault, and had forced Mr. Donovan to meet him in a field near the Dog and Duck. It also appeared that the only ground of quarrel between the prisoner and the deceased was, that Mr. Donovan interfered between Captain Hanson and another person, and prevented their fighting; on which Captain Hanson gave him very abusive language, and insisted that "he would make him smell powder."

The deceased was wounded by a pistol bullet in the belly, and lived about twenty-four hours after. He declared to two eminent surgeons who attended him, and to several other persons, that Mr. Donovan behaved, during the action, and after it, with the greatest honour, tenderness, and concern. And he particularly desired that no prosecution should be carried on against him, as he himself was solely in fault, by an unprovoked rashness of temper and heat of passion.

The learned Judge gave an excellent charge to

the jury, and said, "Though he allowed that all the circumstances were as favourable to the prisoner, as in such a case could be; yet, as the idea of honour was so often mentioned, he must say, and inform the jury and the auditors, that it was false honour in men to break the laws of God and their country; that going out to fight a duel was, in both parties, a deliberate resolution to commit murder; and there could be no honour in so savage a custom, which, however disguised in words, is contrary to the principles and happiness of society, and ought to be reprobated in every well-regulated community."

The jury, without going out of court, acquitted Mr. Donovan of the murder, and found him "guilty" of "manslaughter," on the coroner's inquest. The Judge fined him ten pounds to the King, which being paid in the court, he was immediately discharged.

BETWEEN THE REV. MR. BATE AND MR. R—, A STUDENT OF THE LAW.

September 7, 1780.

A duel was fought in Hyde Park, between the Rev. Mr. Bate, of Surrey-street, and Mr. R—, a student of the law, late of St. John's College, Cambridge.

The quarrel arose from some circumstances relating to the conduct of the Morning Post, in

which they were both engaged. The chance of the first fire falling to Mr. Bate, he discharged his pistol, and hit Mr. R— in the fleshy part of the right arm. The wound, however, was not sufficient to incapacitate him from returning the fire, which he did, but without effect.

The seconds now interfered, and the affair was adjusted.

BETWEEN THE REV. MR. ALLEN AND L. DULANY, ESQ.

June 26, 1782.

Died, in Park-street, Grosvenor-square, Lloyd Dulany, Esq., a gentleman of a most respectable character, and large property in Maryland.

His death is said to be occasioned by a wound which he received on Tuesday evening last, in a duel with the Rev. Mr. Allen, in Hyde Park. The second of the former was — Delancey, Esq.; and of the latter, Robert Morris, Esq. He was attended by Dr. Millman, and Messrs. Pott and Adair. The magistrates of Bow-street having advertised a reward of ten guineas each, for the apprehension of the Rev. Mr. Allen, and Robert Morris, Esq., they were, in consequence, apprehended, and committed to Tothill-fields Bridewell.

July 6, 1782.

Yesterday the Rev. Mr. Allen surrendered himself at the Sessions' House, in the Old Bailey, when he and Robert Morris, Esq., were indicted for the "wilful murder" of Lloyd Dulany, Esq.

Mr. Justice Buller, in his charge to the jury, observed, that the case before them consisted of two parts, law and fact. As to law, there is not, nor ever was a doubt, that where two persons meet together deliberately to fight a duel, and one of them is killed, the other is guilty of "murder," and his second likewise. In respect to the fact, he stated that the quarrel arose from a circumstance of three years' standing. A paragraph called, "Characters of Principal Men in Rebellion," published in the Morning Post, June 29, 1779, referred to the first and fifth of July, the same year, and now recognised by the prisoner Allen, in a letter proved to be his handwriting, avowing himself the author of those characters, retorting the charge of "liar and assassin," upon the deceased; telling him he did not mean to dispute with, but to punish him; and if he (the deceased) harboured any resentment or revenge, the bearer (Morris) would put him in the way of securing its immediate execution. This brought on sundry verbal messages, and at last, on the 18th of June, a meeting of Mr. Dulany, Mr. Delancey his second, and Mr. Morris; from which they went to Mr. Wogden's, gunmaker, to get Mr. Allen's pistols charged; and about half-past nine in the evening, after measuring eight yards, discharged their pistols, when the deceased fell.

Mr. Delancey said that Mr. Morris repeatedly urged deferring the duel to the next day.

One Lydia Lepine deposed, that she saw the prisoner Allen shooting at a mark, in a field near Blackfriars' Bridge, with pistols, between eleven and twelve o'clock, on the 18th of June. Her master and his son confirmed the fact; but could not swear positively to the person. His Lordship concluded with observing, that a mistaken point of honour was not to bias the judges and the jury in such a case.

The jury withdrew about twenty minutes, and brought in a verdict, Allen, "Guilty of Manslaughter." Morris, "Not Guilty." The Recorder then, after a pathetic speech, pronounced sentence on Mr. Allen, of one shilling fine, and to be imprisoned six months in Newgate.

Bamber Gascoigne, Esq., and two ladies, proved an alibi as to shooting at a mark; and they, as well as Lords Bateman, Mountmorris, and several other persons, gave Allen an excellent character. Mr. Morris brought no witnesses.

DUEL PREVENTED.

March 9, 1783.

Two officers of the army, with their seconds, and a surgeon, met in a field near Kensington Gravel Pits, to fight a duel; but were happily prevented by the interposition of a clergyman,

who lives in that neighbourhood, who happened to be passing by as they alighted from their carriages, and who suspecting their intention, interfered. The polite and affectionate address of this clergyman effected an honourable reconciliation.

BETWEEN MR. RIDDELL AND MR. CUNNINGHAM.

April 21, 1783.

A duel was fought between Mr. Riddell, of the Horse Grenadiers, and Mr. Cunningham, of the Scots Greys. Both these gentlemen belonged formerly to the Scots Greys, and had differed at play. Mr. Riddell had challenged Mr. Cunningham, which challenge Mr. Cunningham had declined; but many of the gentlemen of the Scots Greys reviving, at intervals, that circumstance, Mr. Cunningham found it necessary, for the full restoration of his honour, that he should call upon Mr. Riddell. This appeal, Mr. Riddell considering as out of season, declined attending to, till he had consulted his brother officers, who agreed there was no obligation on him to answer Mr. Cunningham.

This being their determination, Mr. Cunningham resolved upon forcing him to the point; and meeting him accidentally at Mr. Christie's, their agent, spat in his face. Mr. Riddell observed that this being a fresh affront, he should take notice of it, and took his departure. He then

proceeded to make a few arrangements in his affairs. But before he had completed them, he received a billet from Mr. Cunningham, reminding him of the affront which he had passed upon him, and declaring his readiness to give him satisfaction. This note coming while the wafer was yet wet to the hands of Sir James Riddell, who was under some apprehension of his son's situation, he opened it; and having read it, closed it, without taking any other notice of its contents, than providing, in consequence of it, the assistance of several surgeons of the first ability. The meeting was fixed. They were both punctual: Mr. Riddell attended by Captain Topham, of the Horse Grenadiers; and Mr. Cunningham, by Captain Cunningham, of the 69th regiment of foot.

Eight paces were first measured by the seconds, and afterwards the contending parties took their ground. They tossed up for the first fire, which Mr. Riddell won. Mr. Riddell fired, and shot Mr. Cunningham under the right breast, the ball passing, as is supposed, through the ribs, and lodging on the left side near the back. The moment Mr. Cunningham received the shot he reeled, but did not fall. He opened his waistcoat, and declared he was mortally wounded. Mr. Riddell still remained on his ground, when Mr. Cunningham, after a pause of two minutes, declared he would not be taken off the field till he had fired at his adversary. Mr. Cunningham

then presented his pistol, and shot Mr. Riddell in the groin; he immediately fell, and was carried in a hackney-coach to Mr. Topham's. The unhappy man lingered until seven o'clock on Tuesday morning, and then expired.

Wednesday, April 23.

The coroner's inquest sat on the body of George Riddell, Esq., who was killed in the rencontre, as above related.

The jury sat four hours; and after a very strict examination of the seconds, and a servant of the deceased, brought in their verdict, "Manslaughter."

BETWEEN CAPTAIN I— AND COLONEL P—.
June, 1783.

On the 31st ult. a duel was fought near Bangor Ferry, Caernarvonshire, between Captain I— and Colonel P—. In consequence of several disputes which had happened relating to the Anglesea militia, and a challenge given, some time ago, by Captain I— to Colonel P—, they were bound over to preserve the peace for a year. That time having expired, Captain I— sent a message, that he should be at the Ferry-house, at six o'clock, on Saturday morning, attended by Captain M—. The parties met. The second smarked the ground at twelve paces, and tossed up for the first fire, which Colonel P— gained. He fired, and shot

Captain I— in the right thigh, who strove to return the fire, but his pistol missed. Captain I— then demanded a second shot; which not being immediately complied with, he was unable to bear longer on his thigh, and was carried off by the assistance of the seconds.

BETWEEN THE HON. COLONEL COSMO GORDON AND LIEUT.-COLONEL THOMAS.

September 4, 1783.

At six this morning, the Hon. Colonel Cosmo Gordon and Lieut.-Colonel Thomas met at the Ring in Hyde Park, to fight a duel. It was agreed upon by their seconds, that, after receiving their pistols, they should advance, and fire when they pleased. On arriving within about eight yards of each other they presented, and drew their triggers nearly at the same time, when only the Colonel's pistol went off. The Lieut.-Colonel having adjusted his pistol, fired at the Colonel, who received a severe contusion on the thigh. Their second pistols were fired without effect, and their friends called to reload them; after which they again advanced to nearly the same distance, and fired, when the Lieut.-Colonel fell, having received a ball in his body. He received immediate assistance from a surgeon, who attended the Colonel in case of need, and who extracted the ball on the field; the wound notwithstanding proved mortal.

BETWEEN MR. MONRO, OF THE 16TH REGIMENT OF DRAGOONS, AND MR. GREEN.

October 17, 1783.

This morning, about seven o'clock, Mr. Monro, of the 16th Regiment of Dragoons and Mr. Green, with their seconds, met in a field near Battersea Bridge, for the purpose of settling a dispute which took place a few evenings ago. They took their ground at the distance of about six yards. They then fired three pistols each, the last of which wounded Mr. Green in the side. The seconds interfered, and asked Mr. Green if he was satisfied. He said, "Not except Mr. Monro made him a public apology." "That," Mr. Monro said, "he *now* would not do." Mr. Green replied, "Then one of us must fall." They again took their ground, and fired each two pistols more. One ball entered Mr. Monro's knee, and Mr. Green received a shot which has since proved fatal, the ball entering a little above the groin.

BETWEEN LIEUT. HARRISON AND M. H. VAN BERKENSHAM.

October, 1783.

This afternoon a duel was fought behind the Foundling Hospital, between Lieut. Harrison, of the Marines, and M. Harman Van Berkensham, an officer in the Dutch service. When, after marking out the distance of eight paces, Mr.

Berkensham fired first and missed. Lieut. Harrison's bullet grazed the cheek of his antagonist, who insisted on firing again, which he did without effect; and Lieut. Harrison fired his second pistol into the air. The seconds interposed, the parties were reconciled, and both went home good friends.

BETWEEN SIR J. LOWTHER AND SERGEANT BOLTON.
April, 1784.

A duel was fought in this month between Sir James Lowther, and Sergeant Bolton, when three pistols were discharged on each side, but no material injury was done to either of the combatants; and the seconds interposing, they were reconciled.

BETWEEN AN OFFICER OF THE NAVY AND A GERMAN OFFICER.
August, 1784.

An officer in the navy, and a gentleman in the German service, fought a duel with swords and pistols, in a field near Bayswater. Four pistols were discharged, one of which slightly wounded the former in the left shoulder; but in the rencontre with swords, the latter was run through the thigh. A surgeon, who attended, stopped the effusion of blood, which was great; and the gentleman was taken to his apartments in Dean-street, dangerously ill.

This, it appears, was the second duel which these gentlemen had fought. The first was in France, where they were both desperately wounded. The quarrel was a difference of opinion on the conduct of General Burgoyne in the Hudson's Bay expedition, in which they both served.

BETWEEN CAPTAIN BRISES AND CAPTAIN BULKLEY.
February, 1785.

A duel was fought between Captains Brises and Bulkley. The first shot being won by the latter, he fired, and narrowly missed his antagonist, who discharged his pistol in the air; and the seconds interposing, the affair ended in the field.

BETWEEN LIEUTENANT F— AND MR. GORDON.
March, 1785.

A duel was fought between Lieut. F—, son of General F—, then quartered in the Old Barracks at Chatham, and a gentleman of the name of Gordon, who was on a visit to his brother, an officer in the same barracks; when Mr. Gordon was so desperately wounded in one of his legs that amputation became necessary. The affair originated in a quarrel at cards.

BETWEEN LORD MACARTNEY AND MR. SADLEIR.
April, 1785.

The duel between Lord Macartney and Mr. Sadleir, which was at first thought unfounded, appears to have been a serious business. They, with their seconds, Mr. Davidson and Major Grattan, took their ground about seven o'clock in the morning, on the 24th of September, 1784. The distance marked by the seconds was ten paces. The lot to fire first fell to Mr. Sadleir; who firing accordingly, the ball struck Lord Macartney on the ribs of the left side, which was not known to the seconds till after his Lordship had likewise fired, but without effect. It had been previously agreed between the seconds, if, after the first fire, no material execution had been done, to interpose their good offices to effect a reconciliation. This they were about to do when it was discovered that Lord Macartney had been wounded. When the previous agreement was mentioned to his Lordship, and he was asked his sentiments, his answer was—"That he came there to give Mr. Sadleir satisfaction, and he was still ready to do so." And Mr. Sadleir being told that Lord Macartney was wounded, and that, in the present circumstances, the affair could not honourably be pursued any farther, he acquiesced, and declared that he was satisfied. And thus the affair ended.

BETWEEN THE EARL OF A— AND MR. F— M—.
June 19, 1785.

This day a duel was fought, near Grosvenor-gate, between the Right Hon. the Earl of A—, of the kingdom of Ireland, and Mr. F— M—, of the same kingdom.

The affair happened from a punctilio of honour. After they had taken their ground, both attempted to fire at the same time; but his Lordship's pistol missing fire, and Mr. M—'s shot not taking effect, the affair ended satisfactorily.

BETWEEN COMTE DE GERSDORFF AND MONS. L. LE FAVRE.
July, 1785.

A challenge was circulated through Europe by the public prints, from Comte de Gersdorff to Mons. Louis Le Favre; the former of whom offered a hundred louis d'ors to the latter, to bear his charges to any place which he might appoint for the meeting. To this challenge Mons. Le Favre afterwards published the following answer:—

"MONS. LE COMTE, "Filbourg, April 28, 1785.

"I hasten to answer your circular letter inserted in the public prints. Our interview, if you think proper, shall be at B— le D—. As I am in the neighbourhood of the city, I do not want much money to carry me thither; and I thank you sincerely for the hundred louis which you offer me.

"I have the honour to be, &c., LE FAVRE."

The Comte in his replication pleads indisposition. But the parties at length met; and there never was such a farce of a fight. Their seconds measured the ground at twenty-five paces. The heroes took their stations, and fired a pistol or two each. Their seconds commended their bravery: the Comte forgave the Secretary, and there was an end of the combat.

BETWEEN LORD W. MURRAY AND MR. G. WAUGH.
November, 1785.

By the East India packet, advice was received of a duel fought between Lord William Murray, and Lieutenant Gilbert Waugh, of the 73rd Regiment, on the 21st of October, 1784, in which the latter was mortally wounded, and died three days after, greatly regretted.

BETWEEN LIEUT. GAMBLE AND LIEUT. MOLLISON.
January, 1786.

A duel was fought at Chatham Lines, between Lieutenant Gamble and Lieutenant Mollison, both of them of the Marines. No compromise could be arranged by the seconds, and Lieutenant Mollison firing first, hit his antagonist in the upper part of his thigh. Lieutenant Gamble fell, but suddenly starting up, as Mr. Mollison advanced towards him, discharged his pistol, and the ball shattered the humerus or upper bone of

Mr. Mollison's arm, a little above the elbow. Here the seconds interposed, and the combatants were taken into their quarters. Mr. Mollison's arm has since been amputated, and both the gentlemen are now perfectly reconciled, and as good friends as ever.

BEWTEEN LORD MACARTNEY AND MAJOR-GEN. STEWART.

June 8, 1786.

A duel was fought near Kensington, between Lord Macartney and Major-General Stewart, of which the following is an authentic account :—

The place and time of meeting having been previously fixed, the parties arrived about half-past four in the morning, and took their ground at the distance of twelve short paces, measured off by the seconds, who delivered to each one pistol, keeping possession of the remaining arms.

General Stewart told Lord Macartney, he doubted, as his Lordship was short-sighted, he would not be able to see him. His Lordship replied, "he did perfectly well." When the seconds had retired a little on one side, and as the parties were about to level, General Stewart observed to Lord Macartney, that his pistol was not cocked. His Lordship thanked him, and cocked. When they had levelled, General Stewart said "he was ready." His Lordship answered, "he was likewise ready." And they both

fired within a few instants of each other. The seconds observing Lord Macartney to be wounded, stepped up to him, and declared the matter must rest here. General Stewart said, "this is no satisfaction;" and asked if his Lordship was not able to fire another pistol. His Lordship replied, "he would try with pleasure," and urged Colonel Fullarton to permit him to proceed. The seconds, however, declared it was impossible, and they would on no account allow it. General Stewart said, "then I must defer it till another occasion;" on which his Lordship answered, "if that be the case, we had better proceed now. I am here in consequence of a message from General Stewart, who called upon me to give him satisfaction in my private capacity, for offence taken at my public conduct; and to evince that personal safety is no consideration with me, I have nothing personal: the General may proceed as he thinks fit." General Stewart said, "it was his Lordship's personal conduct to him that he resented."

The seconds then put an end to all further conversation between the parties, neither of whom had yet quitted his ground; General Stewart, in consequence of his situation, having been under the necessity, from the first, of putting his back to a tree. The surgeons, Mr. Hunter and Mr. Home, who were attending at a little distance, were brought up by Colonel Ful-

larton. Colonel Gordon, in the mean time, assisted his Lordship in taking off his coat, and requested him to sit down, apprehending he might be faint through loss of blood. Colonel Gordon then left the ground, in company with General Stewart, and an easy carriage was provided to convey his Lordship home.

(Signed) W. Fullarton.
A. Gordon.

BETWEEN COUNSELLOR HUTCHINSON AND LORD MOUNTMORRIS.

May, 1787.

On the 28th ult. a duel took place between Counsellor Hutchinson, third son to the Provost of the University of Dublin, and Lord Mountmorris, in consequence of some words spoken by the latter in the House of Lords, on Monday, the 23rd of April, of which his Lordship refused to give an explanation.

The parties met at Donnybrook; and the seconds having measured the ground, both fired at the same instant: when Lord Mountmorris fell, in consequence of a wound under the arm, and the seconds interposed to prevent farther bloodshed.

BETWEEN CHEVALIER LA B— AND CAPTAIN S—.
June, 1787.

About three in the morning, on the 10th, a duel was fought between the Chevalier La B— an officer in the French service, and Captain S— of the 11th Regiment of Foot. The ground measured was five paces; and the first shot that was fired by Captain S— took place on the Chevalier's breast, but was fortunately prevented from penetrating by the intervention of his coat button; on which he fired his pistol into the air. The seconds interposed, and the combatants parted friends. The expression for which Captain S— called out the Chevalier was to this effect—that the English army had more *phlegm* than *spirit*.

BETWEEN SIR JOHN MACPHERSON AND MAJOR BROWNE.
September 10, 1787.

A duel took place in Hyde Park, between Sir John Macpherson and Major Browne. The parties met near Grosvenor-gate, about eleven o'clock. The pistols were loaded on the ground, and it was agreed they both should fire at the same time. They did so. Sir John received the Major's second fire; but his own pistol missed fire. Colonel Murray, second to Sir John, then asked Major Roberts, who was second to Major Browne, if his friend was satisfied. Major Browne said he was satisfied that Sir John had

behaved with great gallantry, and much like a man of honour. But some further explanation being required on the part of the Major, a third shot was exchanged. And then both parties quitting the ground, came up to each other, said a few words, and parted with salutations of civility.

Dublin, January 31, 1788.

This day Robert Keon, Esq., was brought up to the Court of King's Bench, to receive sentence for the murder of George Nugent Reynolds, Esq.

The circumstances of this murder were as follow:—These two gentlemen went out to fight a duel; and when Mr. Reynolds, previously to coming to action, was in the act of saluting Mr. Keon, with his hat in his hand, wishing him a good morning, the latter fired his pistol, and shot him through the head. Upon this Mr. Plunket, Mr. Reynolds's second, called out, "A horrid murder!" On which Mr. Keon's brother replied, "If you don't like it, take that," and snapped his pistol at Mr. Plunket, which luckily did not go off. The jury found Mr. Keon "guilty" in November last; but his counsel moved an arrest of judgment, and pleaded several errors in the different proceedings, to stop the sentence. The Court, after the most solemn arguments, over-ruled all the objections, and passed sentence of death upon him, according to the verdict, and he was executed on the sixteenth of the following month.

BETWEEN HIS R. H. THE DUKE OF YORK AND COL. LENNOX.
May, 1789.

On the 17th instant, a duel took place between the Duke of York and Colonel Lennox. Lord Rawdon was second to the Duke of York, and the Earl of Winchilsea to Colonel Lennox.

The dispute originated in an expression of the Duke of York, that "Colonel Lennox had heard words spoken to him at Daubigny's, to which no gentleman ought to have submitted." This observation being repeated to Colonel Lennox, he took the opportunity, while his Royal Highness was on the parade to address him, desiring to know what were the words which he submitted to hear, and by whom they were spoken. To this his Royal Highness gave no other answer than by ordering him to his post. The parade being over, his Royal Highness went into the Orderly-room; and sending for the Colonel, intimated to him, in the presence of all the officers, that he desired to derive no protection from his rank as a prince, and his station as commanding officer; but that, when not on duty, he wore a brown coat, and was ready, as a private gentleman, to give the Colonel satisfaction.

After this declaration, Colonel Lennox wrote a circular letter to every member of the club at Daubigny's, requesting to know whether such words had been used to him, and appointing a

particular day for an answer from each; their silence to be considered as a declaration that no such words could be recollected.

On the expiration of the term limited for an answer to the circular letter, the Colonel sent a written message to his Royal Highness to this purport—that not being able to recollect any occasion on which words had been spoken to him at Daubigny's, to which a gentleman ought not to submit, he had taken the step which had appeared to him most likely to gain information of the words to which his Royal Highness had alluded, and of the person who had used them; that none of the members of the club had given him information of any such insult being in their knowledge; and therefore he expected, in justice to his character, that his Royal Highness should contradict the report as publicly as he had stated it.

This letter was delivered to his Royal Highness by the Earl of Winchilsea; when, the answer returned not proving satisfactory, a message was sent to his Royal Highness desiring a meeting, and the time and place were settled that evening.

The meeting took place on Wimbledon Common. The Duke of York received Colonel Lennox's fire, but did not fire himself; the ball from Colonel Lennox grazed his Royal Highness's curl.

Some days after this Colonel Lennox made a requisition to the Duke of York, as Colonel of the Coldstream Regiment, that his Royal Highness would permit a call of the officers of that corps, in order that certain propositions touching his conduct and situation might be submitted to their consideration.

His Royal Highness informed the friend of Mr. Lennox,—that he could not possibly oppose any design which might tend to relieve Mr. Lennox from his present embarrassment. The meeting of this military convention was held at the Orderly-room; and after much deliberation, adjourned to the 1st of June; when, considerable discussion having taken place, the convention came to the following resolution:—"It is the opinion of the Coldstream Regiment, that subsequent to the 15th of May, the day of the meeting at the Orderly-room, Lieut.-Colonel Lennox has behaved with courage; but, from the peculiar difficulty of his situation, not with judgment."

Colonel Lennox soon after exchanged his company in the Duke of York's regiment, for the commission of Lieut.-Colonel in the 35th Regiment of Foot.

BETWEEN CAPT. E. PELLEW AND LIEUT. I. M. NORTHEY.
June, 1789.

A duel was fought at Exeter, in consequence of a previous dispute, between Captain Edward Pellew of the navy, and Lieutenant I. M. Northey. The former was attended to the field by Captain Reynolds; the latter, by his brother, Thomas Northey, Esq. The parties took their ground at twelve paces; and a signal being given, they both fired, when Lieutenant Northey's ball passed through his opponent's coat. A second signal being given, as agreed, both parties reserved their fire. An explanation between the friends took place, and the matter was settled to the satisfaction and honour of all parties. To prevent misrepresentation, the foregoing account is published by the seconds.

BETWEEN CAPT. TONGUE AND CAPT. PATERSON.
June 19, 1789.

A duel was fought between Captain Tongue, of his Majesty's 6th Regiment, and Captain Paterson, in the East India Company's military service, in which Captain Tongue was wounded in the side.

The cause of the quarrel originated in the street. Captain Tongue acknowledged himself the aggressor.

BETWEEN COL. LENNOX AND THEOPHILUS SWIFT, ESQ.

July 1, 1789.

This evening, in consequence of some expressions reflecting on the character of Lieut.-Colonel Lennox, published in a pamphlet, with the name of Theophilus Swift, Esq., Colonel Lennox called on Mr. Swift, and demanded satisfaction.

They met in a field near the Uxbridge-road, attended by Sir William Augustus Browne and Lieut.-Colonel Phipps. Ten paces were measured by the seconds; and it was agreed that Lieut.-Colonel Lennox should fire first. The parties having taken their ground. Colonel Lennox asked if Mr. Swift was ready. On his answering that he was, Colonel Lennox fired, and the ball took place in the body of Mr. Swift, whose pistol, on his receiving the wound, went off without effect. The parties then quitted the ground.

It is but just to say, that both gentlemen behaved with the utmost degree of coolness and intrepidity. Mr. Swift has since recovered from his wound.

BETWEEN J. P. CURRAN, ESQ., M.P., AND MAJOR HOBART.

April 1. 1790.

A duel was fought in Luttrelstown, between J. P. Curran, Esq., M.P., and Major Hobart, secretary to the Lord-Lieutenant of Ireland, occasioned by some words spoken in Parliament.

The meeting was at the Hermitage, one of Lord Carhampton's seats. Mr. Curran was attended by Mr. Egan; Major Hobart, by Lord Carhampton. Being put to their ground, and having agreed to fire as they chose, Mr. Curran fired first, without effect; whereupon Major Hobart said, he hoped Mr. Curran was satisfied. Mr. Egan then called out to Major Hobart that he had not fired, as did Mr. Curran. The Major advancing a step or two towards Mr. Curran, repeated what he had said before. Mr. Curran replied, "I am sorry, Sir, you have taken this advantage; but you have made it impossible for me not to be satisfied."

BETWEEN SIR GEORGE RAMSAY AND CAPTAIN MACRAE.

Edinburgh, April 15, 1790.

A duel was fought yesterday, near this city. The parties were Sir George Ramsay and Captain Macrae. The circumstances are as follow:—

A servant of Sir George's, keeping a chair at the door of the Edinburgh Theatre, was ordered by Captain Macrae to remove it. On his objecting, some words ensued; and the fracas concluded in Captain Macrae chastising the servant very severely.

Meeting the next day with Sir George Ramsay, he insisted on his dismissing the man from his service. This was refused, on the ground,

that whatever was the misconduct of the servant, he had already received a sufficient punishment.

A challenge was the immediate consequence of this refusal. The parties met on Musselborough Links, Sir George Ramsay accompanied by Sir William Maxwell, and Captain Macrae by Mr. Hay.

The former fired first, but without effect; Captain Macrae returned the fire, and lodged his ball near the heart of his antagonist, Sir George languished in much agony until Friday morning, when he expired. He was a gentleman of the most amiable character and disposition; and had but lately married a beautiful young lady, the sister of Lord Saltoun.

Captain Macrae and his second immediately fled. The poor fellow, on whose account this duel happened, no sooner heard of his master's fate than he fell into strong convulsions, and died in the course of a few hours.

July, 1790.

On Monday, the High Court of Justiciary met at Edinburgh, for the trial of James Macrae, of Hollmains, indicted at the instance of the Hon. Lady Ramsay, and Sir William Ramsay, of Banff, Bart., and of his Majesty Advocate, for the murder of the late Sir George Ramsay, Bart., on the 14th of April last. Mr. Macrae not having appeared to stand trial, sentence of fugitation (outlawry) was pronounced against him.

BETWEEN MR. STEPHENS AND MR. ANDERSON.

Margate, Sept. 21, 1790.

Yesterday a duel was fought at Kingsgate, between Mr. Stephens, son of Philip Stephens, Esq., Secretary to the Admiralty, and a Mr. Anderson.

It originated in such a trifling circumstance as a dispute about the shutting of a window in the public rooms. The parties fired each a pistol without effect; but at the second fire Mr. Anderson's ball entered between Mr. Stephens's under lip and chin; and passing to the jugular vein in the neck, occasioned his almost instantaneous death.

Mr. Anderson was apprehended soon after; and this day the coroner's inquest sat on the body, and brought in their verdict "manslaughter."

The bill of indictment afterwards presented against Mr. Anderson for murder, in his unhappy meeting with Stephens, was unanimously thrown out as frivolous and unfounded, by the grand jury at Dover.

BETWEEN CAPT. H. ASTON AND LIEUT. FITZGERALD.

June 25, 1790.

A duel was fought between Captain Harvey Aston, and Lieutenant Fitzgerald of the 60th Regiment of Foot. The cause of the dispute happened at Ranelagh; but so long before the challenge, that it was imagined all idea of hostility had ceased. A field belonging to Chalk

Lodge Farm, near Hampstead, was the chosen spot, and break of day the time appointed. Lord Charles Fitzroy was the second to Captain Aston, and Mr. Hood was second to Lieutenant Fitzgerald.

Ten yards was the ground measured; and Mr. Fitzgerald had the first fire. He rested his pistol on the left arm, and took aim accordingly. The ball took a direction so as to glance on Mr. Aston's wrist, and passed from thence under his right cheek bone, and through the neck. On receiving this wound, Captain Aston called to his antagonist,—"Are you satisfied?" The answer returned was, "I am satisfied." Captain Aston then retired from the ground, and was assisted to his carriage. Happily the wound is not likely to prove mortal.

BETWEEN MR. GRAHAM AND MR. JULIUS.

July, 19, 1791.

An unfortunate rencontre took place this morning upon Blackheath, between Mr. Graham, an eminent special pleader, of the Temple, and Mr. Julius, a pupil in the office of Messrs. Graham, attorneys, of Lincoln's Inn, who are brothers of the former.

The parties had dined together at the house of Mr. Black, the surveyor, upon Epping Forest, on Sunday; and after dinner, having drunk

freely, one of them expressing some free opinions *concerning religion!!!* much abrupt language passed between them. They were reconciled, however, on that day, and returned to town in the same carriage.

On Monday, they met again after dinner, at the chambers of Mr. Graham, Lincoln's Inn, the brother of the deceased, where the dispute was unfortunately renewed, though apparently without malignity. No challenge was given that night; but in the morning, the deceased called upon Mr. Julius for an apology for some expression; which being refused, they went out together, Mr. Graham attended by Mr. Ellis, and Mr. Julius by Mr. Maxwell. A pupil of an eminent surgeon attended them to Blackheath, where Mr. Graham fell by a shot which passed almost through the lower part of the belly. He was brought to town in a post-chaise, and the exertions of the most eminent of the faculty were in vain used for his relief; the ball having laid open the femoral artery, and it being impossible to stop the discharge of blood, he expired in the afternoon of the next day.

Mr. Graham was a gentleman of considerable eminence in his profession, and of an esteemed character in private life.

Mr. Julius is the son of a very respectable attorney at St. Kitt's, and is said not to have been the least to blame in this quarrel.

BETWEEN MR. FRIZELL AND MR. CLARK.

June, 1792.

A duel was yesterday morning fought in Hyde Park, between Mr. Frizell and Mr. Clark, both students of the law. Mr. Montgomery was second to Mr. Frizell, and Mr. Evans to Mr. Clark.

On Thursday night, these four gentlemen were in company at the Cecil-street Coffeehouse, where Mr. Frizell lodged. They drank till one in the morning, when Mr. Frizell declaring he could drink no longer, Mr. Clark said, with some warmth,—it was using his friends very ill, but that it was not the first time he had behaved so; for that at Chatham he had quarrelled with all the officers, and particularly with his friend Lieutenant Hixon, of the 14th Regiment, and that he had the character of a fighting man. Mr. Frizell replied,—that he did not mean to give offence; but if anything that he had said, could be so construed, he was ready to give Mr. Clark satisfaction,—and then went to bed.

Mr. Clark insisted, that these words were a direct challenge, and appealed to the other gentlemen, who declared that they did not consider them in that light. Mr. Clark, however, went up to Mr. Frizell's room, and insisted on his meeting him in five minutes. Mr. Frizell immediately dressed himself, and went down stairs,

where he said, before all the parties, that if Mr. Evans and Mr. Montgomery were of opinion that he had been guilty of any improper conduct, he would apologize for it to Mr. Clark. But that gentleman said he would accept of no apology, and insisted that he should meet him in Hyde Park in an hour from the time,—three o'clock.

It was then settled that Mr. Evans and Mr. Montgomery should be the seconds. And after these gentlemen had in vain endeavoured to make up the difference, Mr. Clark, accompanied by Mr. Evans, went out for pistols. Mr. Clark procured a brace, which he loaded, and observing that Mr. Frizell had not got pistols, gave him one of his.

When they got to the ground, they stood at the distance of ten yards, and tossed up for the first fire, which was won by Mr. Clark, whose ball penetrated Mr. Frizell's collar-bone. He fell, and as he was falling, his pistol went off. Mr. Montgomery, not supposing him dead, ran for a coach, to convey him to a surgeon's; but on his return found Mr. Frizell had expired. Mr. Clark and Mr. Evans were standing by the body, and were surrounded by some soldiers, who refused to let them go until their serjeant came to them. The serjeant (who had previously been to Knightsbridge barracks, to consult his officer, Captain Hill, what was to be done) presently appeared, and set them at liberty; when the body was put into a coach, into which they all got, and drove

off. In Piccadilly, Mr. Clark and Mr. Evans got out, and have not since been heard of.

Mr. Frizell and Mr. Clark were natives of Ireland, as were the two seconds. They were all young men. The coroner's inquest has since sat on the body of Mr. Frizell, and brought in their verdict, "wilful murder."

BETWEEN MR. KEMBLE AND MR. AIKIN.

March, 1792.

Contrary to dramatic custom, a duel was fought in a field near Marylebone, between Mr. Kemble and Mr. Aikin, of Drury-lane Theatre, in consequence of a dispute respecting certain dramatical arrangements which Mr. Aikin conceived to be injurious to him.

Mr. Aikin discharged his pistol without effect, and the parties were happily reconciled without proceeding further. They had no seconds; but Mr. Bannister, sen., attended as their common friend, a circumstance that clearly showed how little comedians are acquainted with the punctilios of honour.

BETWEEN THE EARL OF LONSDALE AND CAPTAIN CUTHBERT, OF THE GUARDS.

June 9, 1792.

An affair of honour took place early this morning, between the Earl of Lonsdale, and Captain

Cuthbert of the Guards, which, after the discharge of a brace of pistols on each side, terminated without injury to either party. Lord Lonsdale's last shot would probably have been fatal if the ball had not luckily struck a button of Captain Cuthbert, which repelled it. The seconds then interfered, and matters were amicably adjusted. The circumstances which led to this hazardous decision were as follow :—

Captain Cuthbert, in order to obviate all increasing disturbance in Mount-street, had directed that no carriage should be suffered to pass that way. Lord Lonsdale, who came in his carriage to Mount-street, was consequently obstructed; and finding the impediment insuperable, his temper was somewhat ruffled. Addressing himself, therefore, to Captain Cuthbert, he exclaimed, "You rascal, do you know that I am a peer of the realm?" The Captain immediately replied, "I don't know that you are a peer; but I know you are a scoundrel, for applying such a term to an officer on duty; and I will make you answer for it." A meeting, of course, took place, and concluded as stated.

Ch. de Lameth.

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Charles de Lameth

BETWEEN LORD LAUDERDALE AND GENERAL ARNOLD.

July 2, 1792.

Lord Lauderdale attended by the Right Hon. Charles James Fox, and General Arnold with Lord Hawke as his friend, had a meeting near Kilburn Wells, to terminate a misunderstanding which it was found impossible to conciliate.

Lord Lauderdale received the General's fire unhurt, when, his Lordship declining to return the shot, the seconds retired for about ten minutes, and the result was the finishing of the affair. The noble Earl, upon being desired to fire, observed that he did not come there to fire at the General, nor could he retract the offensive expressions; if General Arnold was not satisfied, he might fire till he was. A like rencontre took place a few days before between the noble Earl and the Duke of Richmond.

BETWEEN MONS. CHAUVIGNY AND MONS. C. LAMETH.

November 8, 1792.

This affair, which originated in a difference of opinion, had been undecided for two years. It appears that M. de Chauvigny, having learned the arrival of his antagonist in this country, gave him a meeting, and proposed to fight him, which the latter assented to. The parties fought in a field near the place of Mons. Lameth's residence,

and he was dangerously wounded in the belly. The affair ended by both declaring themselves satisfied, and giving their word of honour that the matter was finally adjusted.

The seconds were, for Mons. Chauvigny, the Duke de Pienne and the Count de Chabanc; and for Mons. Lameth, the Duke d'Aiguillon and Mr. Maselet.

BETWEEN MR. PUREFOY AND COLONEL ROPER.

Maidstone, August 14, 1794.

At these assizes this day, Mr. Thomas Purefoy was indicted for the "wilful murder" of Colonel Roper in a duel, which took place on the 21st of December, 1788. The interval which had occurred between that time and the prosecution, was not assignable to the prosecutor, as Mr. Purefoy had, for the greater part of the time, been out of the kingdom.

In 1787, Major Roper was commander-in-chief of the island of St. Vincent, and Mr. Purefoy was Ensign in the 66th Regiment. The latter having obtained leave of absence, had a festive day with some of the junior officers, in which they committed such excesses as occasioned a complaint to Major Roper, by whom the leave of absence was recalled. The remonstrances of Mr. Purefoy were made in such a style, as to induce Major Roper to bring him to a court-martial. By their verdict he was declared to have forfeited his com-

mission; and this verdict was afterwards confirmed by his Majesty. This was the origin of the dispute, which had afterwards such a fatal termination.

The evidence, particularly that of General Stanwix, the second to Colonel Roper, was extremely favourable to the prisoner; who being called upon for his defence, said, that he had entertained no malice against the deceased; he had been led by a call of honour, or, more properly speaking, driven by the tyranny of custom, to an act, which in early life had embittered his existence; but without which, he was taught to believe that he should lose all the consideration which society could afford. The last challenge, he observed, had come from Colonel Roper; and, as some expiation of his offence, he had already suffered six years of exile, and nine months of close confinement. The latter part of this address was read from a written paper, by Mr. Erskine, the feelings of Mr. Purefoy being such as to overpower his utterance.

The prisoner called nine gentlemen to his character, most of whom had known him from early life. They all spoke to the general mildness of his character, and the good-humoured ease and aversion to quarrel which marked his general deportment. After a charge by the Judge, Mr. Baron Hotham, the jury, without hesitation, returned their verdict "not guilty."

voured to prevent the duel; several other persons were collected in the garden. Mr. Rowlls desired his Lordship and others not to interfere; and on a second attempt of his Lordship to make peace, Mr. Rowlls said, if they did not retire, he must, though reluctantly, call them impertinent. Mr. England at the same time stepped forward, and took off his hat; he said, "Gentlemen, I have been cruelly treated; I have been injured in my honour and character; let reparation be made, and I am ready to have done this moment." Lady Dartrey retired. His Lordship stood in the bower of the garden until he saw Mr. Rowlls fall. One or two witnesses were called, who proved nothing material.

A paper, containing the prisoner's defence, being read, the Earl of Derby, Marquis of Hertford, Mr. Whitbread, jun., Colonel Bishopp, and other gentlemen, were called to his character. They all spoke of him as a man of decent gentlemanly deportment, who, instead of seeking quarrels, was studious to avoid them. He had been friendly to Englishmen while abroad, and had rendered some service to the military at the siege of Newport.

Mr. Justice Rooke summed up the evidence; after which the jury retired for about three quarters of an hour, when they returned a verdict of "manslaughter."

The prisoner having fled from the laws of his

country for twelve years, the Court was disposed to show no lenity. He was therefore sentenced to pay a fine of one shilling, and to be imprisoned in Newgate twelve months.

BETWEEN LORD MALDEN AND THE DUKE OF NORFOLK.
April 30, 1796.

In consequence of a publication, addressed by Lord Malden to the inhabitants of the borough of Leominster, the Duke of Norfolk, accompanied by Captain Wombwell, of the 1st West York regiment of Militia, and Lord Malden, accompanied by Captain Taylor, Aid-de-camp to his Royal Highness the Duke of York, met on Saturday morning, in a field beyond Paddington.

The parties having taken their ground, and the word being given by one of the seconds, they fired without effect. The seconds then thought proper to offer their interference; and in consequence of a conversation which passed while the parties were on the ground, a reconciliation was effected.

BETWEEN LORD VALENTIA AND HENRY GAWLER, ESQ.
June 28, 1796.

A duel was fought in a field within three miles of Hamburgh, between Lord Valentia and Henry Gawler, Esq. They left England with their seconds and surgeons, for the express purpose of

fighting. They fired together. Mr. Gawler's ball took place; it entered his Lordship's breast bone, and lodged near the neck. It was extracted on the field; and he is considered to be out of danger. Lord Valentia's ball passed through Mr. Gawler's hat.

The affair between Mr. Gawler and Lady Valentia was the subject of the dispute.

BETWEEN MR. WM. CARPENTER AND MR. JOHN PRIDE. Aug. 20, 1796.

This morning a duel was fought in Hyde Park, between Mr. William Carpenter and Mr. John Pride, both Americans, in which Mr. Carpenter received his antagonist's ball in the side, which penetrated nearly through his body; and, notwithstanding it was immediately extracted, he died soon after.

The coroner's jury afterwards sat upon the body, and brought in their verdict "wilful murder."

BETWEEN LIEUT. FITZGERALD AND LIEUT. WARRINGTON. May 4, 1797.

In consequence of a quarrel which happened in the theatre at Plymouth, on the Friday evening preceding, between Lieutenant Fitzgerald, of the Marines, and Lieutenant Warrington, of the 25th Regiment, they met, accompanied by their

seconds, to settle the business. They exchanged shots without effect; but on the second fire Lieutenant Fitzgerald's ball wounded Lieutenant Warrington in the side, after which the business terminated.

BETWEEN CAPT. SMITH AND LIEUT. FRANCIS BUCKLEY.
August 5, 1797.

Killed in a duel with Captain Smith, of the same regiment, Lieutenant Francis Buckley, of the Loyal British Fencibles, in the island of Jersey.

After exchanging several shots, the deceased received his antagonist's ball in his right side, and died almost instantly.

The cause of this unfortunate affair is said to have arisen from a quarrel between Capt. Smith and the deceased; in which the former received a blow from the latter, who imagined that very improper language had been made use of towards him.

He has left a wife and two infant children, a brother (a lieutenant in the same regiment), and aged parents, to lament his untimely fate.

BETWEEN COLONEL KING AND COLONEL FITZGERALD.
October, 1797.

About four weeks before, the Hon. Miss King, who lived with her mother, Lady Kingsborough,

eloped from Windsor. There were many circumstances attending the elopement which led to a suspicion of the person who had seduced her from her duty.

Colonel Fitzgerald, who is married to a very beautiful lady, and is second cousin to Miss King, had been very attentive to her for some time; and, it appears, had previously found means to lead her astray. She was very young, being now only sixteen years of age; and her habits of life had been such as to leave her more uninformed of the vicious habits of the world than happens to most young people, even at that early age.

Colonel Fitzgerald was at length attacked by her friends as being accessory to her elopement. But he was at first extremely indignant, and threatened to fight any person who should accuse him. The afflicted parent, by the advice of friends, had at length recourse to the newspapers; and after having repeatedly advertised in vain for her daughter, was induced to offer a reward of a hundred guineas for her recovery. It was in consequence of the reward offered, that a young woman, daughter of the mistress of the house where the young lady was concealed, in Clayton-street, Kennington, discovered Miss King and her seducer.

As soon as Lord Kingsborough, who was in Ireland, heard of the fate of his daughter, he came to England with his son, Colonel King;

and the first step was to find out Colonel Fitzgerald, which was not done without some difficulty, as they were determined to call him to a personal and severe account.

Lord Kingsborough wrote to his friend, Major Wood, at Ashford, requesting his immediate attendance in town. As soon as he arrived a meeting was appointed, and a duel took place, of which the following particulars are given by Major Wood to a friend:—

"Fladong's Hotel, Oxford-street, October 1, 1797.

"My dear Friend,

"I shall, without preface, enter at once into the affair, which I mentioned to you was to take place this morning, and 'nothing extenuate, nor set down aught in malice.'

"Agreeably to an arranged plan, I accompanied Colonel King to a spot near the Magazine in the Park. Colonel Fitzgerald we met at Grosvenor-gate, unaccompanied by a friend, which, by the way, he told me yesterday he feared he should not be able to provide, in consequence of the odium which was thrown upon his character; at the same time observing, 'That he was so sensible of my honour, that he was perfectly satisfied to meet Colonel King unattended by a friend.' I decidedly refused any interference on his part, informing him 'That had not nearer relations of the —— been on the spot, he would have seen

me as a principal.' He replied, 'He would try to procure a friend,' and withdrew. I addressed him this morning by 'Where is your friend, Sir?' Answer (as well as I recollect), 'I have not been able to procure one; I rest assured that you will act fairly.' I then desired him to apply to his surgeon, which he immediately did, who refused appearing as a second, but said he would be in view. Colonel King was equally desirous to go on with the business. I consented. However, I prevailed upon a surgeon, who accompanied Dr. Browne, to be present as a witness that all was fairly conducted. It was no common business. I placed them at ten short paces' distance from each other. That distance I thought too far. But I indulged a hope that Colonel Fitzgerald, sensible of the vileness of his conduct, would, after the first fire, have thrown himself on Colonel King's humanity. His conduct was quite the reverse. In short, they exchanged six shots without effect. King was cool and determined. The other also was determined; and, to appearance, obstinately bent on blood. After the fourth shot he said something to me about giving him advice as a friend. I told him I was no friend of his, but that I was a friend to humanity, that, if after what had passed, he possessed firmness enough to acknowledge to Colonel King that he was the vilest of human beings, and bear without reply any language from Colonel King,

however harsh, the present business, then, perhaps, might come to a period. He consented to acknowledge that he had acted wrongly, but no farther. That was not enough. He now attempted to address Colonel King, who prevented him by saying,—that he was a d—d villain, and that he would not listen to anything he had to say.

"They proceeded. Colonel Fitzgerald's powder and balls were now expended. He desired to have one of King's pistols. To this I would not consent, though pressed to do so by my friends. Here ended this morning's business. We must meet again. It cannot end here. I have only to add, that nothing could exceed the firmness and propriety of Colonel King's conduct, through every stage of this business.

"I am, my dear friend, very truly yours,

"Robert Wood.

"P.S.—On leaving the ground Colonel Fitzgerald agreed to meet Colonel King at the same hour to-morrow.

"Both the colonels, the same day, were put under arrest."

December 12, 1797.

Yesterday, intelligence was received in town of the death of Colonel Fitzgerald, who was lately guilty of a most shameful and dishonourable act in the family of the present Earl of

Kingston, by seducing a daughter of that much respected nobleman, to whom he was allied, and in whose family he had been a constant visitor. He met with his death in the following manner:—

After the discovery of this unfortunate criminal intercourse, which occurred in England, and in consequence of which a duel had taken place between the brother of the young lady (who is now Lord Kingsborough) and the deceased Colonel Fitzgerald, she was removed to the country residence of her noble father, now the Earl of Kingston, at Mitchelstown, near Kilworth, in this kingdom. The deceased, feeling no remorse for what he had done, in dishonouring by the most artful stratagems an illustrious family, had the audacity and hardihood to follow the young lady to Ireland; it is supposed, with a view to wrest her by violence from her parents; and for this purpose, took lodgings at an inn in Kilworth.

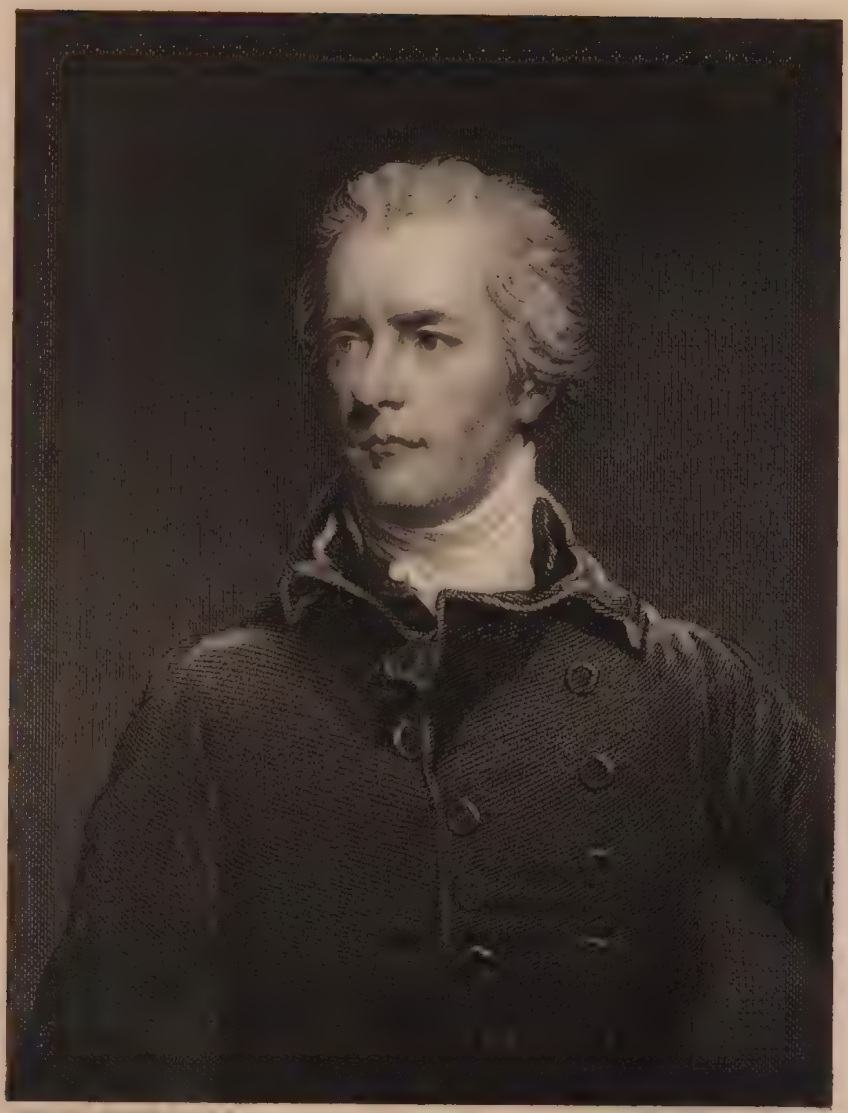
The Colonel had been there some days before his arrival at Kilworth was known, or the object of his expedition was discovered. He was observed to walk out in the night, and conceal himself in the day, and the servants at length noticed him lurking about Mitchelstown House at unseasonable hours. Intelligence having reached Lord Kingsborough, who had had the duel with the Colonel, and resolved to defeat his antagonist's

project, he left his father's house, and went to Kilworth, where, having inquired if that gentleman was in the house, and being informed he was, he went to the apartment he was directed to, which the colonel lodged in. Lord Kingsborough rapped at the door, requiring admittance. The Colonel, knowing his voice, replied, that he was locked in, and could not open the door; but if he had anything to say to him, he would receive it in writing under the door. This enraged the young nobleman, and he forced open the door, and running to a case of pistols in the room, took one, and desired the Colonel to take the other, and defend himself, as he was resolved to have satisfaction for the scheme the deceased had formed against his sister, and which he came to this place to put into execution. On both seizing the pistols, they grappled with each other, and were struggling when the Earl of Kingston, who had been apprised of his son's departure in pursuit of the Colonel, and quickly followed the young lord, entered the room; and finding them in the contest, and that his son must lose his life, from the situation the deceased had him in, the Earl fired upon the Colonel, not, we believe, with an intention to kill him, though his aggravation was great. The shot, however, took effect, and the Colonel lost his life, but not lamented by any one who has heard of his very dishonourable conduct in this affair.

When Miss King was taken by her father from England, on account of her disgrace, it was discovered, on her arrival in Dublin, that the servant-maid, who accompanied her, favoured the views of the seducer. On her consequent dismissal from the service she returned to England, and was the bearer of a private letter to Colonel Fitzgerald, the contents of which were, it is said, sufficient to induce the Colonel, even at the risk of his life, to make an effort to regain the young lady. But his finances not enabling him to undertake the journey, he borrowed a sum of money of an amiable woman, who ought to have been most dear to him, under the pretence of making a visit to Dorsetshire. Thus accommodated, he set out for the sister kingdom, and arrived at the village of Kilworth, near Mitchelstown, the residence of the noble family, and the place where the young lady was then kept, whose conduct was then watched with particular vigilance.

BETWEEN THE RIGHT HON. W. PITT AND G. TIERNEY, ESQ. May 21, 1798.

In consequence of some expressions made use of by Mr. Pitt in the House of Commons on the Friday previous, Mr. Pitt, accompanied by Mr. Rider, and Mr. Tierney, accompanied by Mr. George Walpole, met at three o'clock in the afternoon on Putney Heath.



THE RIGHT HONBLE WM PITT

After some ineffectual attempts on the part of the seconds to prevent farther proceedings, the parties took their ground at the distance of twelve paces. A case of pistols was fired at the same moment without effect. A second case was also fired in the same manner. Mr. Pitt having fired his pistol in the air, the seconds jointly interfered, and insisted that the matter should go no farther, it being their decided opinion that sufficient satisfaction had been given, and that the business was ended with perfect honour to both parties.

BETWEEN COL. HARVEY ASTON AND MAJOR ALLEN. December 23, 1798.

Died, at Madras, in consequence of a wound which he received in a duel with Major Allen, of which he languished about a week, Colonel Harvey Aston.

He had been engaged in a similar affair of honour, and on the same account, with Major Picton only the day preceding that on which he met Major Allen; but which was fortunately terminated by each party firing in the air, and a proper explanation taking place as to the offence.

BETWEEN MESSRS. COOLAN AND MORCAN.

Dublin, March 13, 1800.

This morning two students of our University, Messrs. Coolan and Morcan, in consequence of an unhappy dispute the preceding evening, met in the fields near Harcourt-street. They fired at the same moment, when Mr. Coolan's shot unfortunately took place in the temple of his antagonist, and killed him on the spot. The surviving combatant has been expelled the college, and the two seconds have been rusticated.

BETWEEN J. CORRY, ESQ. AND —— NEWBURGH, ESQ.

May 10, 1800.

Yesterday a meeting took place on Drumcondra-road, between James Corry, Esq., of Lurgan-street, and —— Newburgh, Esq., in consequence of a dispute, and, as alleged, the provocation of a blow given by the latter to the former. The latter gentleman was accompanied on the ground by Captain Warring of the 24th Dragoons, as his second; the other by Mr. Weir, one of the attorneys.

Having taken their ground, the signal was given to fire. Mr. Corry's pistol went off without effect, Mr. Newburgh's missed fire. He was preparing to fire it afterwards, when his second called to him, telling him, the snap in duelling

was considered as a fire. Both gentlemen were then provided with other pistols, and received the signal to fire again, which they did, and Mr. Newburgh was shot through the heart and expired.

Mr. Newburgh was the only son of Broghill Newburgh, of the county of Cavan, Esq. of an ancient family, and heir-apparent to an estate of 5000*l.* per annum.

Mr. Corry is an élève of the Speaker of the House of Commons, by whom he was placed in the lucrative situation of clerk to the Linen Board; a place which was enjoyed by his father, who was also a great favourite with Mr. Foster.

The deceased was upwards of thirty years of age, and married to the daughter of Mr. Camac, an East India gentleman, with a fortune of 30,000*l.* He was related to Lord Enniskillen, Lord Erne, Lord Gosford, and some other of the best families in Ireland.

Mr. Corry, who is some years younger, is a young gentleman of amiable and inoffensive manners.

BETWEEN MR. P. HAMILTON AND MR. G. I. EAKER. January, 1802.

A duel took place at New York, between Mr. P. Hamilton, son of General Alexander Hamilton, and Mr. G. I. Eaker; in which, at the first fire, Mr. Hamilton was shot through the body. He languished until the next day, when he died.

BETWEEN WM. HUNTER, ESQ. AND MR. DAVID MITCHELL.

August, 1802.

At Savannah, William Hunter, Esq., fell in a duel with Mr. David Mitchell. The dispute had its origin in July last, in the county court, to the jury of which Mr. Hunter was foreman, in a cause in which Mitchell was counsel. During the trial, it appearing to Mr. Hunter that the examination of the evidence was not conducted by the counsel with that impartiality which justice required, he addressed a few words to the court, when Mitchell got up and observed, that Mr. Hunter was very officious on the occasion. Mr. Hunter replied, that the officiousness of jurymen was not to be compared with the impertinence of some attorneys.

There the matter rested till August 9th, when Mitchell attacked Mr. Hunter in the street with a large bludgeon. Mr. Hunter, having nothing to defend himself with, after receiving four blows and attempting unsuccessfully, at the same time, to seize Mitchell by the collar, said, "Mr. Mitchell, I am unarmed; I must retreat unless you lay aside your weapon." Mr. Hunter then retreated to Dr. Kollock's for a cane, but could not procure one. By this time some of the inhabitants interfered. The same evening Mr. Hunter sent Mr. Mitchell a challenge, who, after much equivocation, accepted it. Dr. Kollock

was Mr. Hunter's second, Major B. Maxwell was second to Mitchell. Mr. Hunter fired first, and hit Mitchell on the hip; Mitchell missed Mr. Hunter. Mr. Hunter's second fire hit Mitchell on the groin also, without penetrating the skin; but Mr. Hunter received Mitchell's second ball in his right breast. Mr. Hunter immediately turned, and exclaimed, "I am a dead man;" and as Drs. Glenn and Kollock caught him in their arms he asked for a glass of wine and expired.

BETWEEN LIEUT. W—, R.N., AND CAPT. I—, OF THE ARMY. March, 1803.

This morning a most extraordinary duel took place in Hyde Park, between Lieutenant W—, of the navy, and Captain I—, of the army.

The antagonists arrived at the appointed place within a few minutes of each other. Some dispute arose respecting the distance, which the friends of Lieutenant W— insisted should not exceed six paces; while the seconds of Captain I— urged strongly the rashness of so short a distance, and insisted on its being extended. At length the proposal of Lieutenant W—'s friends was agreed to, and the parties fired per signal; when Lieutenant W— received the shot of his adversary on the guard of his pistol, which tore away the third and fourth fingers of his right hand. The seconds then interfered to no purpose. The son of Neptune, apparently callous to

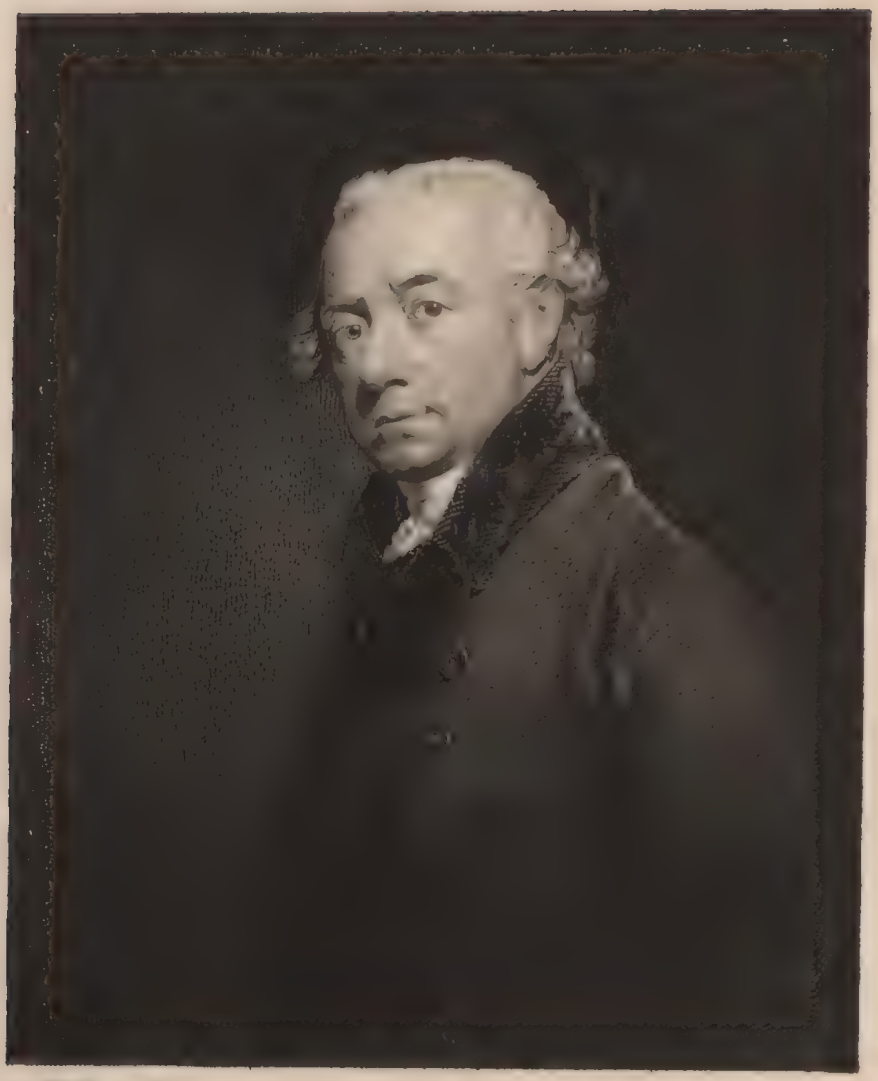
pain, wrapped his handkerchief round his hand, and swore he had another, which never failed him. Captain I— called his friend aside, and told him it was in vain to urge a reconciliation. They again took their ground. On Lieutenant W— receiving the pistol in his left hand, he looked steadfastly at Captain I— for some time, then cast his eyes to heaven, and said, "Forgive me." The parties fired as before, and both fell. Captain I— received the shot through his head, and instantly expired. Lieutenant W— received the ball in his left breast, and immediately inquired of his friend if Captain I—'s wound was mortal? Being answered in the affirmative, he thanked Heaven he had lived thus long. He requested that a mourning ring, which was on his finger, might be given to his sister; and that she might be assured it was the happiest moment he ever knew. He had scarcely finished the word when a quantity of blood burst from his wound, and he expired almost without a struggle.

The unfortunate young man was on the eve of being married to a lady in Hampshire, to whom for some time he had paid his addresses.

BETWEEN LIEUT.-COLONEL MONTGOMERY AND CAPTAIN MACNAMARA.

April 6, 1803.

As Lieutenant-Colonel Montgomery and Captain Macnamara were riding in Hyde Park, each



John Heaviside

followed by a Newfoundland dog, the dogs fought; and Colonel Montgomery, who did not see that Captain Macnamara was near, after separating the animals, exclaimed, "Whose dog is that? I will knock him down!" To which Captain Macnamara replied, "Have you the impudence to say that you will knock my dog down? You must first knock me down." An altercation ensued, an exchange of cards followed, and an appointment to meet at 7 o'clock in the evening, near Primrose Hill; the consequence of which proved fatal. Captain Macnamara's ball entered the right side of Colonel Montgomery's chest, and taking a direction to the left, most probably went through the heart; he instantly fell, without uttering a word, but rolled over two or three times as if in great agony, and groaned. Colonel Montgomery's ball went through Captain Macnamara, entering on the right side, just above the hip, and passing through the left side, carrying part of the coat and waistcoat in with it, taking part of his leather breeches, and the hip button, away with it on the other side.

Colonel Montgomery was carried by some of the persons standing by, into Chalk Farm, where he was laid on a bed, attended by Mr. Heaviside. As they were carrying him, he attempted to speak and spit; but the blood choked him. His mouth foamed much; and in about five minutes

after he was brought into the house, he expired with a gentle sigh.

Captain Macnamara was a naval officer, who has much distinguished himself in two or three actions, as commander of the Cerberus frigate. He had lately returned from the West Indies; and his ship was, about two months ago, paid off at Chatham. He was about thirty-six years of age; a strong, bold, active man. He had fought two or three duels before; and was remarkable at Cork, for keeping the turbulent in awe.

Colonel Montgomery was Lieutenant-Colonel of the ninth regiment of foot, son of Sir Robert Montgomery, of Ireland, and half-brother of Mrs. George Byng, and the Marchioness Townshend. He was a remarkably handsome man, and he had, also, fought bravely in the service of his country. In the Dutch expedition, the Russians being put to flight, his regiment was thrown into confusion, and retreated, in consequence of the Russians falling back upon them. At this time a drummer was killed, and Colonel Montgomery took up the drum, beating it to rally his men, he himself standing alone. He succeeded in rallying them, and at their head rendered essential service. On several occasions, in Egypt and Malta also, he had distinguished himself by his courage and spirit. He was very intimate with the Prince of Wales and the Duke of York. The former shed tears on being apprised of the melancholy end of his friend.

Colonel Montgomery was well known in London by the *sobriquet* of the Duke of Hamilton's *double*, from his studiously copying that nobleman's style of dress.

Captain Macnamara recovered of his wound, and was tried for murder. His defence, which was prepared by Lord Erskine (then Mr. Erskine), stated:—"I am a captain of the British navy. My character you can hear only from others. But to maintain my character in that situation I must be respected. When called upon to lead others into honourable danger, I must not be supposed to be a man who sought safety by submitting to what custom has taught others to consider as a disgrace. I am not presuming to urge anything against the law of God, or of this land. I know, that in the eyes of duty and reason, obedience to the law, though against the feelings of the world, is the first duty, and ought to be the rule of action; but upon putting a construction upon my motives, so as to ascertain the quality of my actions, you will make allowance for my situation. It is impossible to define in terms the proper feelings of a gentleman; but their existence has supported this country for many ages, and she might perish if they were lost."

April 15.

Yesterday morning Mr. Heaviside, the surgeon, was arrested by Townsend, under authority of a

warrant from Sir Richard Ford, wherein he stands charged with having been aiding and assisting in the murder of Colonel Montgomery; and, after undergoing a private examination before the above magistrate, at Bow Street, he was fully committed to Newgate for trial, at the ensuing Old Bailey Sessions. Several witnesses were also privately examined respecting the duel, and bound over to appear on the trial.

Captain Macnamara was yesterday declared out of danger, but was not yet well enough to be removed.

The coroner's inquest, on taking a view of the body of Colonel Montgomery, brought in a verdict of "manslaughter." The remains were buried in a vault in St. James's Church.

The evidence being closed, the prisoner addressed the jury in mitigation of his conduct.

Lords Hood, Nelson, Hotham, and Minto, and a great number of highly respectable gentlemen gave Captain Macnamara a most excellent character. Mr. Justice Heath summed up the evidence, and stated, that, from the pressure of the evidence, and the prisoner's own admission, the jury must find a verdict of "manslaughter." They were, however, of a different opinion; for, after retiring a quarter of an hour, they pronounced a verdict of "Not guilty."

BETWEEN LORD CAMELFORD AND CAPTAIN BEST.
March, 1804.

A duel has been fought between Lord Camelford and Captain Best, of the Royal Navy, in the fields behind Holland House, near Kensington.

The meeting is said to have taken place in consequence of a quarrel between the parties, who were intimate friends, on the preceding evening, at the Prince of Wales's Coffee-house.

Lord Camelford and Mr. Best had been intimate friends; both were young men of fashion, and esteemed first-rate shots. The subject of their quarrel was an abandoned woman, of the name of Symons, who had formerly lived with Mr. Best, but was then under the protection of Lord Camelford. This woman meeting Mr. Best at the Opera, made of him a request inconsistent with their relative positions; and on being refused, declared she would set Lord Camelford *upon him;* and accordingly complained to his Lordship, that Mr. Best had spoken disrespectfully of him. This greatly incensed Lord Camelford; and at the Prince of Wales's Hotel, where they generally dined, he went up to Mr. Best, and said, loud enough to be heard by all present, "I find that you have spoken of me in the most unwarrantable terms." Mr. Best mildly replied, that he was utterly unconscious of deserving such a charge; to which Lord Camelford

answered, that he was not ignorant of what he had said of him to Mrs. Symons, and pronounced him to be a *scoundrel*, a *liar*, and a *ruffian*. Mr. Best said, that these were expressions which admitted but of one course, and a meeting was immediately arranged for the next morning.

In the course of the evening Mr. Best conveyed to Lord Camelford the strongest assurance that the information he had received was unfounded; and believing that his Lordship was acting under a wrong impression, he would be satisfied if the expressions he had made use of were retracted. This Lord Camelford refused to do. Attended by their respective friends, they met the following morning at a coffee-house in Oxford Street; and there again Mr. Best made an effort to obtain a retractation of the insulting words. He went up to his Lordship, and said, "Camelford, we have been friends, and I know the unsuspecting generosity of your nature; upon my honour, you have been imposed upon by a strumpet. Do not persist in expressions under which one of us must fall." Lord Camelford answered, "Best, this is child's play; the affair must go on."

And yet at this moment Lord Camelford had in his heart acquitted Mr. Best, and had confidently stated to his second, that he knew he was in the wrong; that Best was a man of honour; but that he could not bring himself to retract

words which he had once used. In going to the ground, he reiterated this statement to his second, adding, that as he and Mr. Best were considered the two best shots in England, one of them must fall; but, whatever was the issue of the affair, he begged him to bear testimony that he acquitted Mr. Best of all blame. No remonstrance, however, could induce him to withdraw the offensive expression.

They were placed at fifteen paces from each other. They fired together, and Lord Camelford fell, to all appearance dead. In an instant, however, he recovered the shock, so far as to exclaim, "I am killed! but I acquit Best. I alone am to blame." He begged them to consult their safety. When a labourer, who was working in an adjoining garden, repaired to the spot, he found Lord Camelford lying on his back, in the lower part of the field, which was overflowed, to the depth of several inches in water. Captain Best and his friend had rode off directly after the shot took effect, and the other gentleman followed their example, immediately on the countryman's coming up, on the pretence of going for a surgeon.

His Lordship was unwilling to be removed, and it was with difficulty that those who came to his assistance got him placed in a chair, and conveyed to Mr. Ottey's, at Little Holland House. His adversary's ball had penetrated his right

breast, and was supposed to have passed through the lungs and lodged in the back bone. When questioned as to the names of the other gentlemen who had accompanied him, he declined giving any satisfaction on the subject.

Lord Camelford, by his will, peremptorily forbad his relatives and friends from prosecuting his antagonist, declaring that the combat was of his own seeking. The day previous to his death he added a codicil to his will, in which, after stating that persons have in general a strong attachment to the country which gave them birth, and on their death-beds usually desire that their remains may be conveyed to their native land, however great the distance, to be interred, he continued :—" I wish my body to be removed, as soon as may be convenient, to a country far distant, to a spot not near the haunts of men, but where the surrounding scenery may smile upon my remains." The place he chose was situated on the borders of the Lake of St. Lampierre, in the canton of Berne, and three trees stood on the particular spot. The centre tree he desired might be taken up, and his body being there deposited, immediately replaced. " Let no monument or stone be placed over my grave." At the foot of this tree, his Lordship added, he formerly passed many solitary hours, contemplating the mutability of human affairs. As a compensation to the proprietors of the spot, he left them

one thousand pounds. He also requested his relations not to go into mourning for him. At the period of the duel Lord Camelford and Mr. Best had a bet of two hundred pounds depending, as to which of them was the better shot.

The following account of this pest to society is given by one of his biographers; but we must hope, for the sake of mankind, that the intellects of this desperate nobleman were occasionally deranged:—

"His character was a curious mixture of much that was virtuous and much that was vicious: all in extremes. With chivalrous notions of punctilious honour, and with an irascible temper, which brought him into many broils, he was warm in his affections, and almost unexampled in his benevolence. Disdaining all luxuries, in his own manner of life, he sought for opportunities of dispensing his fortune in acts of genuine charity, and conferred the most liberal favours with a secrecy that ennobled the gift. He did not distribute less than four thousand pounds per annum in the purchase of commissions for gallant young men, who had not the means of buying them, and in the relief of decayed seamen and soldiers. If many of his political proceedings were characterised with imprudence, no one could doubt they sprang from patriotism. He was a man whose real character was to the world but little known; his imperfections and his follies were

often brought before the public, but his counterbalancing virtues were seldom heard of. Though too violent to those whom he imagined to have wronged him, yet to his acquaintance he was gentle, affable, and courteous; a stern adversary, but the mildest and most generous of friends. He was often the dupe of the designing and crafty supplicant, but he was more often the soother of real sorrow and unmerited woe."

That such might have been his private character is most decidedly to be hoped; but most unquestionably, his public character rendered him a nuisance to society, and whoever did rid the world of such a murderous and (in matters of blood) unprincipled ruffian, was entitled to public thanks. Priding himself on his superiority in pistol practice, he sought for quarrels on every possible occasion. His dress, more especially in uniform, was such as to excite remark and observation, which he would gladly seize upon to fight a duel. He was even known to treat his horses in the streets of London in the most cruel manner, for the mere purpose of drawing forth some remonstrance or remark which he could consider an insult, and justify a murder. He died as he had lived, a blood-thirsty monster. He sought to deprive a bosom friend of life, although he was conscious of the falsehood of his own assertions, solely because he wished to display his superiority as a shot, and endeavoured to

sacrifice a companion whom he esteemed, for a miserable woman whom he despised. His previous conduct towards Paterson was not justifiable under any circumstances of discipline, since he had the means of bringing him to condign punishment without being his executioner.

He was attended in the course of the day by Mr. Heaviside, Mr. Thomson, and Mr. Horne, surgeons. A Mr. Nihell, or Nield, we understand, was second to Captain Best, and the Hon. Mr. Devereux was second to Lord Camelford.

The following is a further account of his death, as it appeared in one of the papers of the day:—

March 12.

On Saturday evening this unfortunate nobleman breathed his last. He sent for his solicitor, Mr. Wilson, of Lincoln's Inn Fields, and made his will the night after the accident; and maintained the most perfect composure under his sufferings to the last.

In the voluminous evidence adduced before the coroner's inquest, it was proved, that Lord Camelford had declared, — that he was the aggressor, that he forgave the gentleman who had shot him, and that he hoped God would forgive him too.

Mr. Hodgson, the coroner, in his address to the jury, made the following observations:—

"It was evident the deceased had been killed

by a shot fired at him by some person, of whose identity the jury had no direct or admissible proof. The laws of this country admitted of no excuse for one man killing another in a private duel. But, supposing the person who had slain the deceased to be able, before a superior tribunal, to offer circumstances and facts in palliation of his offence, they could not have any weight in this inquest. He had, strictly speaking, been guilty of murder, and to that effect must necessarily be the verdict of the jury. In the present case, there was no doubt of the deceased having been feloniously killed; but there was no evidence who was the principal, or who were the seconds. In point of fact, they were all equally guilty; for, in the crime of murder, accessaries before the fact were considered as principals. There was hardly a doubt that the expressions and avowal of the deceased, so honourably made in favour of his opponent, would, if the latter were arraigned in a superior court, induce his acquittal; but that was a consideration which ought not to operate on the minds of those whom he was addressing. Had the parties been in a room; and upon a sudden quarrel had the deceased, having given the first provocation, been killed, it might have been justifiable homicide; but, on the contrary, it appeared, they had deliberately gone out to commit an unjustifiable act. Had it been proved who the person was who

fired the shot at the deceased, the jury would have been bound to have returned a verdict of "murder" against him, and those who were aiding and abetting him; but, as the case stood, they would only pronounce the verdict to which he had alluded.

The jury unanimously returned a verdict of "wilful murder, or felonious homicide, by some person or persons unknown."

BETWEEN ENSIGN BROWNE AND LIEUT. BUTLER.
January 1, 1806.

This morning a meeting took place in a piece of ground, in the parish of Basford, between Ensign Browne, of the 36th regiment of Foot, and Lieutenant Butler, of the 83d Regiment, on the recruiting service, at Nottingham.

The parties fired together by signal, when, unfortunately, Ensign Browne was shot through the heart, and instantly expired, without uttering a word.

Lieutenant Butler and the seconds immediately withdrew. The body of the deceased was taken to Basford church, by some persons who were attracted to the spot by the report of the pistols; and a verdict of "wilful murder" was returned by the coroner's jury who sat upon it.

Ensign Browne was a promising young officer, of a very respectable family in Ireland, and had

only just attained his seventeenth year. He and Lieutenant Butler belonged, lately, to the same regiment; but from a serious disagreement which took place between them, the Commander-in-chief ordered them to be placed in different corps. On their meeting at Nottingham, however, the embers of animosity rekindled, and the unhappy result has proved the loss to society of a valuable and much respected young member.

BETWEEN MAJOR BROOKES AND COLONEL BOLTON.
January 4, 1806.

About a year ago a duel was to have taken place at Liverpool, between Major Brookes and Colonel Bolton, in consequence of a quarrel; but the affair being known, they were bound over to keep the peace for one year. After this, the animosity between them increased daily, and each reproached the other with having informed the officers of justice of their intention to fight.

The time for which they were bound over to keep the peace elapsed on Friday week, when a challenge passed, and an immediate meeting was determined upon. They met, and at the first fire Major Brookes was killed on the spot. The Colonel absconded.

BETWEEN LIEUT. TURRENS AND MR. FISHER.

March 22, 1806.

A duel was fought on Galleywood Common, near Chelmsford, Essex, between Lieutenant Turrens and Mr. Fisher, both of the 6th regiment of Foot, in barracks there. The parties with their seconds arrived on the spot appointed for the encounter at day-break, when the preliminaries having been settled, they took a short distance, and turning round, fired at the same instant. The Lieutenant received his antagonist's ball in the groin, and immediately fell. On which Mr. Fisher went up and took him by the hand, expressing much regret at the lamentable consequence that had ensued, as, from the nature of the wound, he was apprehensive it would prove mortal.

Assistance having been procured, the wounded gentleman was removed to a windmill at a short distance, and as soon as possible, conveyed from thence to his apartments in the barracks, where every attention was rendered that his unfortunate situation could require. The ball having lodged on the side opposite to which it entered, was extracted by Dr. Welch, at four o'clock the same afternoon, but he expired between nine and ten o'clock on Sunday morning. An inquisition was taken by J. O. Parker, jun., Esq., coroner, on view of the body, on Monday, and a verdict re-

turned of "wilful murder" against Mr. Fisher and the two seconds, one of whom is under arrest. Mr. Fisher and the other have absconded.

BETWEEN MR. ROGERS AND MR. LONG.
Dublin, May 3, 1806.

This day a duel was fought in Foster Avenue, between two young gentlemen of the Barrack-office, in this city, and intimate friends, upon occasion of a tavern quarrel the preceding evening.

On the first fire, at the distance of eleven paces, both parties fell; the one, Mr. Rogers, received a ball through his heart, and of course died instantly. The other, Mr. Long, was shot through both his thighs, and is also since dead.

BETWEEN BARON HOMPESCH AND MR. RICHARDSON.
Sept. 22, 1806.

A duel was fought this morning between Baron Hompesch and a Mr. Richardson, of Colchester, in consequence of the Baron, who is near-sighted, running against Mr. Richardson and two ladies in the street. On the exchange of the third pistol Mr. Richardson was shot through the body.

BETWEEN SIR FRANCIS BURDETT AND MR. PAULL.
May 5, 1807.

On account of a misunderstanding between Sir Francis Burdett and Mr. Paull, a meeting took place at nine o'clock this morning, near Wimbledon Common. Mr. Paull conceiving his character very injuriously reflected upon by Sir Francis, despatched a challenge, late on Friday night, to the Baronet, which being accepted, the parties met early yesterday morning at Coombe Wood, near Wimbledon Common.

They discharged two pistols each. The second shot, fired by Mr. Paull, wounded Sir Francis in the thigh; the second pistol, fired by Sir Francis, wounded Mr. Paull in the leg. Sir Francis returned home in the same carriage with Mr. Paull.

The following is the truly amusing account given of this duel by Mr. Bellenden Ker, and shows the necessity of selecting proper seconds on such occasions:—

On Saturday morning, May 5, about half-past five o'clock, Sir Francis Burdett's servant came to me with a note from Sir Francis, desiring me to come to him instantly to Wimbledon, with a pair of pistols, as he had been called upon; but did not say by whom. I could procure none, after trying at two officers of the Guards, and at Man-

ton's, but found none fit for the purpose. It occurring to me that going thus from place to place for pistols, might at last be the occasion of bringing on more notice than I wished, I determined to proceed without them, thinking that those who called upon him must have a pair at least; and that if it was necessary they might serve both parties. I arrived at Sir Francis Burdett's house, at Wimbledon, about eight o'clock, having been obliged to wait more than two hours for a chaise. He was gone on to the King's Arms, Kingston, having left a note for me to follow him there in his carriage. On entering Kingston, I saw Mr. Paull in a coach, accompanied by another person, and a servant on the coach seat. He called out to me on passing his carriage, and said something that I did not distinctly hear; but I think he advised me not to proceed into the town, as the affair would be blown. I asked him where the inn was, and went on.

As soon as I entered the room where Burdett was sitting, a person appeared, who had followed me. On his entrance I asked Burdett who he was. He said it was Paull's second. I then said, "Whom have I the honour to address?" "My name is Cooper." "Do you know him, Burdett?" "I have no doubt Mr. Paull has appointed a proper person to meet me." "Sir, sir, sir," was Mr. Cooper's answer. I then said, as Burdett desired, that we should immediately follow them,

if they proceeded to Coombe Wood, which seemed to be a proper place for meeting.

After Burdett had given me some letters and memorandums for different friends, and explained to me the subject of Mr. Paull's demands, we proceeded to the place appointed; where, ordering the carriages to stop for us, we went into the wood to a considerable distance. I fixed on a proper spot. During our walk Mr. Paull frequently addressed me on the subject of the quarrel. He said he was sure I had not heard it rightly stated, and wished me much to hear him. I always replied that I had heard the whole from my principal, and that I placed implicit confidence in what he said; for if I could not have done that, I should not have accompanied him there; and that, from all I heard and read concerning the matter, it was my decided opinion that Burdett was the person most entitled to consider himself as ill-used; but that, at all events, an apology from him was out of all question, and that I would rather see him shot than advise him to so disgraceful an act. As Mr. Paull did not seem to have at all placed his opinions, or case, in the hands of his second, I found it in vain to talk to him on the subject of an accommodation. After we had stopped, I asked for the pistols, which were produced by Mr. Cooper, who declared that he had not expected things would have taken this turn. I asked him if he expected I should

advise, or Burdett would consent to disgrace himself. I then told him we had been unable to obtain pistols, and expected he would consent, as well as Mr. Paull, that we should use one of theirs. To this they both agreed. He (Mr. Cooper) told me he did not know how to load them; I showed him how, and directed him to load Burdett's while I loaded Mr. Paull's. I then asked him what distance he proposed them to stand at; he said he knew nothing about the matter, and left it to me. I measured out twelve paces, and placed the principals at the extremities of the space. I then directed him to give Sir Francis a pistol, and I presented another to Mr. Paull, at the same time assuring him, as I had Mr. Cooper, that Sir Francis came there without the slightest animosity against Mr. Paull; but that he would fire at him as a mode of self-defence. I said besides to Mr. Paull,—that I hoped he was thoroughly convinced that the injury he had received was of a nature not to be satisfied with anything short of attempting the life of my friend, and risking his own. He replied, — he must do so, unless he had an apology.

I then asked them if they would agree to fire by a signal I would make by dropping my handkerchief? They each did agree to it. I placed myself about four yards on one side the centre of the space between them; while Mr. Cooper, on

giving the pistol to Sir Francis, retreated very precipitately behind a tree at some distance. On a signal being made, they fired together, but without effect. I then took Mr. Paull's pistol from him, and said, "I hope, Sir, you are now satisfied." He said, "No; I must have an apology, or proceed." I said, "To talk of an apology is absurd, and quite out of all question." I then reloaded the pistols, and gave them as before. I again addressed Mr. Paull as I had at first. He answered with warmth,—that he must have an apology, or proceed; and called God to witness that he was the most injured man on earth. Mr. Cooper was then to make the signal; but he stood so far out of the way, that Sir Francis could not see him, although he had already called to him during his retreat, and begged him not to go so far off, and to come forward, or words to that effect. At last I saw Sir Francis could not see Mr. Cooper, nor his signal; and upon his making it, I called out, "Fire," to Sir Francis as soon as I saw Mr. Paull raise his pistol. They did so together, I believe, upon my uttering the words.

I should observe, that while they were waiting for the signal, I observed that Sir Francis held his arm raised, and his pistol pointed towards Mr. Paull. Knowing this was not with a view of taking any unfair advantage, but the effect of accident, I said, "Burdett, don't take aim. I am

sure you are not doing so; drop your arm, as you see Mr. Paull has his pistol pointed downwards." Mr. Paull then asked me, why I advised Sir Francis not to take aim. I said — anybody might see that I could only mean for him not to take aim, or prepare to do so, before the signal, and from a desire to see that they were upon equal terms. The consequences of the second shots have been already described. After speaking to each of them, I set off for the carriages. Both were put into Mr. Paull's. I went on to Sir Francis Burdett's house, to Lady Burdett and his brother; and also to procure a surgeon at Wimbledon.

During the transaction not one word passed between me and Sir Francis, except what I said about taking aim. Mr. Cooper has constantly refused to sign any official account, to say where he lives, or what is his situation; which also was repeatedly requested of him before me; nor do I at this moment know anything further about him. JOHN BELLENDEN KER.

BETWEEN MAJOR CAMPBELL AND CAPTAIN BOYD.
August 1808.

Trial of Major Campbell, of the 21st Regiment.

Alexander Campbell, Brevet-Major in the army, and a Captain in the 21st regiment, stood indicted for the "wilful and felonious murder" of

Alexander Boyd, a captain in the said regiment, by shooting him, the said Alexander Boyd, with a pistol bullet.

To support this indictment, the following witnesses were produced :—

George Adams, who stated, that he had been assistant surgeon in the 21st Regiment, since April twelvemonths. He knew Major Campbell and Captain Boyd. In the year 1807 they were quartered in the barracks, in the county of Armagh side of Newry. On the 23rd of the said month, Captain Boyd died of a wound he received by a pistol bullet, which penetrated the extremity of the four false ribs, and lodged in the cavity of the belly. On that day the regiment was inspected by General Kerr; and, after the inspection, the General and officers messed together. About eight o'clock all the officers left the mess, except Major Campbell, Captain Boyd, witness, and a Lieutenant Hall. A conversation then commenced by Major Campbell stating, that General Kerr corrected him, that day, about a particular mode of giving a word of command, when he conceived he gave it right. He mentioned how he gave it, and how the General had corrected him. Captain Boyd remarked, that neither was correct according to Dundas, which was the King's order. (This observation, witness stated, was made in the usual mode of conversation.) Major Campbell said, it might

not be according to the King's order, but still he conceived it was not incorrect." Captain Boyd still insisted it was not correct, according to the King's order. They argued this some time, till Captain Boyd said,—he knew it as well as any man. Major Campbell replied, — he doubted that much. Captain Boyd at length said,—he knew it better than he, let him take that as he liked. Major Campbell then got up and said, "Then, Captain Boyd, do you say that I am wrong?" Captain Boyd replied, "I do. I know I am right by the King's orders." Major Campbell then quitted the room. Captain Boyd remained after him for some time. He left the room before the witness or Lieutenant Hall; but no observation was made on his going, more than on that of any other gentleman that had dined there. The witness and Lieutenant Hall went out together in a short time after. They went to a second mess-room, and there Captain Boyd came and spoke to them. (The conversation was not admitted in evidence, as Major Campbell was not present at it.) They then went out together, and the witness left Captain Boyd at Lieutenant Dewar's. In about twenty minutes after he was called upon to visit Captain Boyd. He went, and found him on a chair vomiting. He examined his wound, and found it a very dangerous one. He survived it but eighteen hours. He stayed with him till he died, during which time he got gradually worse.

On his cross-examination he stated, that there was something irritating in Captain Boyd's manner of making the observation alluded to; so much so, that he conceives Major Campbell could not, consistently with his feelings, pass it over. But, if a candid explanation had taken place, he did not conceive the melancholy affair would have occurred.

John Hoey stated, That he is mess-waiter for the 21st Regiment, and was so then. He remembers the night this affair took place. Knew Major Campbell and Captain Boyd. He saw Major Campbell that night in a room where he was washing glasses. Major Campbell had quitted the room ten or fifteen minutes. As Major Campbell was coming up stairs, Captain Boyd was leaving the mess-room, and they met on the stair-head. Both went into the mess-waiter's room, and there remained ten or fifteen minutes, when they separated. The prisoner, in about twenty minutes, came again to the witness, and desired him to go to Captain Boyd, and tell him a gentleman wished to speak to him, if he pleased. He accordingly went in search of Captain Boyd. He found him on the parade ground. He delivered the message, and Captain Boyd accompanied him to the mess-room. No one was there. The witness pointed to a little room off it, as the room the gentleman was in. He then went to the mess-kitchen, and in eight or ten minutes he

heard the report of a shot; thought nothing of it till he heard another. He then went to the mess-room, and there saw Captain Boyd and Lieutenants Hall and Macpherson. Captain Boyd was sitting on a chair vomiting. Major Campbell was gone, but in about ten or twelve minutes he came to the room where the witness was washing some glasses. Major Campbell asked for candles. He got a pair, and brought them into the small room. Major Campbell showed the witness the corners of the room, in which each person stood, which distance measured seven paces. He never saw Major Campbell after, till a week ago, though the witness never quitted the regiment, and retained his employment.

John Macpherson stated, That he is Lieutenant in the said regiment. Knew Major Campbell and Captain Boyd. Recollects the day of the duel. On the evening of that day, going up stairs about nine o'clock, he heard, as he thought, Major Campbell say, "On the word of a dying man, is everything fair?" He got up before Captain Boyd replied;—he said, "Campbell, you have hurried me; you're a bad man." Witness was in coloured clothes, and Major Campbell did not know him, but said again, "Boyd, before this stranger and Lieutenant Hall, was everything fair?" Captain Boyd replied, "O my Campbell! you know I wanted you to wait, and have friends!" Major Campbell then said, "Good

God! will you mention before these gentlemen, was not everything fair? Did not you say, you were ready?" Captain Boyd answered, "Yes;" but in a moment after said, "Campbell, you are a bad man." Captain Boyd was helped into the next room, and Major Campbell followed, much agitated, and repeatedly said to Captain Boyd, "that he (Boyd) was the happiest man of the two."—"I am," said Major Campbell, "an unfortunate man, but I hope not a bad one." Major Campbell asked Captain Boyd if he forgave him? He stretched out his hand and said, "I forgive you; I feel for you, and I am sure you do for me." Major Campbell then left the room.

Duncan Dewar, Adjutant of the regiment, who was with Captain Boyd for some time after he was wounded, was produced to show Captain Boyd's firm conviction that he would die in consequence of that wound, in order to let in his declaration then made as evidence. But Captain Boyd not having (before him) expressed such a conviction, that evidence failed. Surgeon W. J. Nice was produced to the same point, and likewise failed.

Colonel Paterson, of the 21st Regiment, was produced to the same point, and also failed.

George Sutherland, Quarter-master of the same regiment, was produced to the same point. He stated that he saw him ten minutes before he died. He was in bed, agitated with pain, in

his senses, but rolling in the bed. He did not, however, say to him that he thought he was dying.

Upon this, a special verdict was directed to the jury, to inquire whether Captain Boyd, ten minutes before his death, and under the circumstances stated, must or must not have known he was dying. After some short deliberation, they found for the affirmative of this issue (that he must have known it). The declaration was then admitted; but none could be proved within that space, except his asking for Major Campbell, and his saying, "Poor man, I am sorry for him."

John Greenhill was produced merely to prove, that Major Campbell had time to cool after the altercation took place; inasmuch as he went home, drank tea with his family, and gave him a box to leave with Lieutenant Hall, before the affair took place.

Here the prosecution closed.

The defence set up was merely and exclusively the character of the prisoner, for humanity, peaceable conduct, and proper behaviour. To this, several officers of the highest rank were produced, who vouched for it to the fullest extent; namely, Colonel Paterson, of the 21st Regiment, General Campbell, General Graham Sterling, Captain Macpherson, Captain Menzies, and Colonel Grey: many others were in attendance whom it was unnecessary to produce.

The learned judge charged the jury in the most able manner, recapitulated the evidence, and explained the law on the subject most fully and clearly. The jury retired, and in about half an hour brought in a verdict, "Guilty of murder;" but recommended him to mercy, on the score of character only.

He was sentenced to be executed on Monday, but respited to Wednesday se'nnight.

And this respite was obtained by the greatest exertion. Mrs. Campbell, who was tenderly attached to her husband, having resolved to proceed to London, and solicit the Royal mercy, hastened to the sea-coast, but found that unexpected circumstances threatened to frustrate her fondest hopes. It blew a perfect hurricane, and no reward could tempt the captain of any vessel to venture to sea. While she was running up and down the shore in a distracted state, she met a few humble fishermen; and these poor fellows no sooner heard the cause of her agony than they offered her their service and their boat, in which she actually crossed the channel. Her noble companions not only refused to receive any reward, but attended her to the coach-office, and followed her several miles on the road, praying God to bless her, and grant her success.

On arriving at Windsor with her petition it was past eight o'clock, and the King had retired to his apartment; but the Queen, compassionating

the afflicted wife, presented the memorial that night, and Mrs. Campbell received the kindest attention from the whole of the Royal family.

The case was anxiously debated in the council; but, after a full review of the circumstances, it was finally resolved that the law should take its course. Mrs. Campbell in the mean time proceeded to Scotland, cheered with the hope of obtaining, at least another respite. She reached Ayr, her paternal home, on the very morning that her husband's corpse was brought thither to be interred.

When Major Campbell heard that his fate was decided, he prepared to meet death with the fortitude of the soldier and the resignation of the Christian. A change had come over the public mind, and universal sorrow for his fate had taken place of the prejudices which inaccurate reports of the duel had produced. By a strange concurrence of circumstances, his own regiment mounted guard round the scaffold. A vast multitude occupied every spot from which a view of the place of execution could be obtained. The crowd displayed the unusual show of all the gentry from the neighbouring country, assembled in deep mourning.

Precisely at noon Major Campbell appeared on the platform, supported by his father-in-law. Instantly the brave highlanders took off their military bonnets; and with streaming eyes, joined

in prayer for the spirit about to be parted from its mortal tenement. The vast crowd stood uncovered in solemn silence, so that the grating of the falling drop was heard to the remotest extremity. One groan from the thousands of spectators, for an instant broke the profound silence, and proclaimed that all was over! His body, after having been suspended the usual time, was put into a hearse in waiting, which left the town immediately, escorted by Dr. Bowie, for Ayr in Scotland, to be interred in the family vault.

Major Campbell, in his conversation with his intimate friends, previously to surrendering himself, had always said, that if he were convicted of murder, he should suffer, as an example to duellists in Ireland; but it was always his opinion that a jury would not convict him of murder.

It has been erroneously stated, that the jury recommended the deceased, merely from his universal good character; but the jury recommended him in consequence of the duel having been a fair one; although, by the direction of the judge, they were bound, on their oaths, to convict the prisoner of murder. Major Campbell, previously to his death, observed, that life was not an object so dear to him, as the reflection was distressing, that his children and family should bear the stigma, that he was executed for murder.

Major Campbell made his escape from Ireland after the duel, and lived with his family, under

a fictitious name, for several months, at Chelsea (the duel took place in June 1807); but his mind became so uneasy that he at last determined to surrender himself, be the result what it might.

His surrender, instead of being viewed as the result of penitence and sorrow, was regarded by too many as a mockery and a braving of justice. Utterly false as such a view of the case was, Campbell confirmed the prejudice against him by incautiously declaring, that he was sure the verdict could only be manslaughter. The misrepresentation of these words, as has been said, produced a strong effect on the minds of the presbyterians of Armagh. His modest and contrite deportment on his trial, and the excellent character given him by officers of the highest rank, went far towards turning the tide in his favour; but one of the witnesses for the defence is said to have exhibited a dictatorial air, as if his simple word would, or ought to decide the verdict; and this circumstance, it is reported, had a fatal influence.

He was first cousin to the Earl of Breadalbane, a man esteemed and beloved by all his friends. It is superfluous to add, that Mrs. Campbell was a most amiable woman. She had four infant children.

The unfortunate catastrophe, which produced such an awful result to Major Campbell, it is hoped will not fail to leave a lesson to man-

kind of salutary influence. Both of the parties were gentlemen, eminent in their profession, of high character and honour, who had long lived on terms of mutual friendship and esteem. The unfortunate irritation of a moment, at once deprived society of one of the best of men, and left a widow and infant family to mourn their irreparable loss. Retribution of the most awful kind fell to the lot of the other; and his amiable widow and helpless family were also involved in all the distress which the human mind can conceive.

From the period of the unhappy event to the closing of the tragic scene, Major Campbell evinced the most heartfelt grief for what had happened to his friend.

BETWEEN LORD PAGET AND THE HON. CAPT. CADOGAN.
May, 1809.

In order to prevent the appearance in the papers of any mis-statement respecting the duel which took place this morning between Lord Paget and Captain Cadogan, we, the respective friends of the parties, feel it incumbent on us to submit the following as the correct statement of the event as it occurred:—

In consequence of a challenge having been received by Lord Paget from Captain Cadogan, and every attempt to prevent a meeting having failed, the parties, attended by their respective friends, Captain Cadogan by Captain Mackenzie

of the navy, Lord Paget by Lieut.-Colonel Vivian of the 7th Light Dragoons, met, as agreed, at seven o'clock, on Wimbledon Common. The ground having been taken at twelve paces distance, they were directed to fire together. Captain Cadogan fired; Lord Paget's pistol flashed. This having been decided to go for fire, a question arose whether Lord Paget had taken aim, as if intending to hit his antagonist. Both the seconds being clearly of opinion that such was not his intention (although the degree of obliquity he gave to the direction of the pistol was such as to have been discovered only by particular observation), Captain Mackenzie stated to Captain Cadogan, that as it appeared to be Lord Paget's intention not to fire at him, he could not admit of the affair proceeding any farther. Lieut.-Colonel Vivian then asked Captain Cadogan whether he had not himself observed that Lord Paget had not aimed at him, to which he replied in the affirmative. Captain Mackenzie then declared his determination not to remain any longer in the field, to witness any further act of hostility on the part of Captain Cadogan. Captain Cadogan replied, that of course his conduct must be decided by his second; declaring, at the same time, that he had come prepared for the fall of one of the parties. On Captain Mackenzie and Lieut.-Colonel Vivian making it known to Lord Paget, that as he evidently did not intend to fire

at Captain Cadogan, the affair could go no farther; his lordship replied, "As such is your determination, I have now no hesitation in saying, that nothing could ever have induced me to add to the injuries I have already done the family, by firing at the brother of Lady Charlotte Wellesley." The parties then left the ground.

(Signed) R. H. Vivian.
George Charles Mackenzie.

The cause of the above duel is well known. It arose from the seduction of the lady of the Hon. Henry Wellesley (sister of Captain Cadogan) by Lord Paget. Her husband afterwards gained 20,000*l.* damages in the Sheriff's Court.

BETWEEN LORD CASTLEREAGH AND MR. CANNING.
Sept. 21, 1809.

A duel took place early this morning between Lord Castlereagh and Mr. Canning, in which the latter received a wound in the left thigh; but happily it is not dangerous, being merely a flesh wound.

The meeting took place at Putney Heath. Lord Yarmouth seconded Lord Castlereagh, and Mr. R. Ellis accompanied Mr. Canning. We understand they fired by signal, at the distance of ten yards. The first missed; and no explanation taking place, they fired a second time, when Mr. Canning was wounded in the left thigh, on the

outer side of the bone; and thus the affair terminated. He was put into a coach, and conveyed to Gloucester Lodge, his newly purchased seat at Brompton, and Lord Castlereagh returned to his house in St. James's-square.

The circumstances of this celebrated political duel were the following:—"It had been long reported that there were divisions in the Duke of Portland's cabinet, and that a change in some of the highest offices of State would take place. These divisions became public in the latter end of September, when Lord Castlereagh, then Secretary of War, sent a challenge to Mr. Canning, who held the seals of the foreign office.

Lord Castlereagh's complaint was, that, they being both members of the cabinet, Mr. Canning had applied clandestinely to get him removed from office, for the purpose of bringing in the Marquis Wellesley in his place. Before Easter, it was affirmed, he made this application to the Duke of Portland, and obtained his promise that Lord Castlereagh should be removed from office. "Notwithstanding this promise," said Castlereagh in his letter which accompanied the challenge, "by which I consider you presumed it unfit that I should remain charged with the conduct of the war, and by which my situation as a minister of the Crown was made dependent on your will and pleasure, you continued to sit in the same cabinet with me, and left me not only

George Canning.
Aged 17

... the painting by T. Gainsborough R.A. in the collection of the Marquess of Clanricarde

From an Electric Engraving

in the persuasion that I possessed your confidence and support as a colleague, but allowed me, in breach of every principle of good faith, both public and private, to originate and proceed in a new enterprise of the most arduous and important nature (the Walcheren expedition), with your apparent concurrence and ostensible approbation. You are fully aware that, if my situation in the Government had been disclosed to me, I could not have submitted to remain one moment in office, without the entire abandonment of private honour and public duty. You knew I *was* deceived, and you *continued* to deceive me."

Without presuming to cast any unfavourable imputation on the well-earned fame of Mr. Canning, it cannot be denied that, if Lord Castlereagh's statement was correct, Mr. Canning's conduct was most unjustifiable, both on public and on private grounds—both as a statesman and a gentleman. If he considered Lord Castlereagh as unfit to manage the important charge with which he was entrusted, and indeed the Walcheren expedition alluded to afforded a convincing proof of the correctness of his opinion, it was his duty not to remain with him in the cabinet one single hour, if he could not overrule his proposals; but to coincide in a project which he condemned, and to continue to act in conjunction with a minister whose removal he had urged on the plea of incapacity, was an act most unac-

countable on the part of Mr. Canning, and only tends to show, that men placed in a public situation will be guilty of acts which they would scorn, as dishonourable, in the common affairs of life.

BETWEEN MR. GEORGE PAYNE AND MR. CLARK. Sept. 6, 1810.

A fatal duel was fought on Thursday morning upon Wimbledon Common by two gentlemen.

At half-past five o'clock three post-chaises were noticed passing over Putney Bridge, and at half-past six, one of the chaises returned to the Red Lion, at Putney, with a wounded gentleman, of the name of Payne. Mr. Heaviside was sent for, and found that a pistol ball had gone through the groin. The unfortunate gentleman died at half-past four o'clock the same afternoon.

Mr. George Payne was the younger son of the late Renè Payne, Esq., and he left him his fortune, to the amount of 14,000*l.* per annum. In that settlement, the whole now goes to his eldest son, except 500*l.* a year to his widow, and 10,000*l.* to his younger children. Mr. Payne has left four children by his wife, who was a Miss Gray.

The cause of the fatal duel is truly melancholy. The challenge took place about ten days ago, at Scarborough, but the quarrel was of a more distant date. The orphan daughter of the late Dr. Clark, of Newcastle, was the friend of Mrs.

Payne, and a visitor in the family. An unfortunate attachment took place between Mr. Payne and Miss Clark, which transpiring, the irritated feelings of the brother induced him to resent it. Every means were tried by Mr. John Payne, the elder brother of the deceased, to avert the catastrophe, but in vain.

Mr. George Payne was most exemplary in all his conduct through life, except in this fatal attachment. He was a most liberal and a most amiable man. He had whispered to his second, Mr. Abbott, that he should not return Mr. Clark's fire, but the first shot was mortal. Mr. Clark has effected his escape.

BETWEEN CAPT. BOARDMAN AND ENSIGN DE BETTON.
March 4, 1811.

In consequence of a trifling quarrel, a duel took place at Barbadoes, on the 15th of January, between Captain Boardman, of the second battalion of the 60th regiment, and Ensign De Betton, of the Royal West India Rangers, in which, at the first fire, the former was shot through the heart, and instantly expired. The survivor immediately escaped from the island.

BETWEEN MR. COLCLOUGH AND MR. ALCOCK.

In the preceding year, another fatal duel, of a political or rather an electioneering nature, took place at Wexford. Mr. John Colclough,

of Trulom Abbey, had declared himself a candidate for the representation of the county, which he had sat for in the previous parliament. For many years certain noblemen had monopolised the representation of Wexford, and Mr. Colclough determined on this occasion to put the sense of the county to the proof, and therefore proposed Mr. Sheridan as joint candidate with himself. With these gentlemen Mr. Alcock, supported by the interest of certain influential electors, contested the county. The election commenced, the poll proceeded, and the independent party was rapidly advancing to success, when one of the most melancholy events terminated the contest.

Several tenants of a person who had given his interest to Alcock, absolutely refused to vote for that gentleman, declaring that, at every risk, they would support Colclough and the "great Sheridan." Mr. Alcock's partisans ascribed the conduct of these persons to seduction on the part of Mr. Colclough. The latter protested in the most solemn manner that he had not even solicited their votes. Alcock insisted that they should not vote for him. "How can I prevent them?" naturally replied Mr. Colclough. After much discussion Mr. Colclough was required to decline the votes, or receive them at his peril. Of course he disregarded this threat; open war ensued, and it was determined, that before the opening of the

next morning's poll, the candidates should decide by single combat the contested question.

Early on the following morning many hundred people assembled to witness the affair, among whom were several magistrates. Both candidates were remarkably near-sighted, and Mr. Alcock determined upon using spectacles. This was resisted by the friends of Mr. Colclough, who would not follow the example. The partisans of the former, however, persevered, and he did wear them. The ground at length was marked, and the anxious crowd separated on either side, as their party-feelings prompted them. The seconds handed to each principal a couple of pistols, and placing them about eight or nine steps asunder, withdrew. A dead silence and a pause ensued—the crowd stood in motionless suspense—the combatants presented—the word was given—Mr. Alcock fired first, and his former friend and intimate companion fell shot through the heart, his pistol exploding without effect.

The bystanders were almost petrified with horror, when on a sudden a loud and horrible yell burst simultaneously from every quarter of the field. Alcock was hurried by his friends from the ground; while those of Colclough raised the body and mournfully bore it to his native home. Within two hours after the fatal duel Mr. Alcock was returned *duly elected*. At the next assizes he

was tried for murder, before Baron Smith, who openly declared against a capital conviction; and the jury, without a moment's hesitation, pronounced a verdict of not guilty.

The acquitted duellist, however, suffered much in mind, and ended his days in a great measure deprived of his intellectual faculties. Two other duels were fought on the same occasion, but with little injury.

To this melancholy affair there was another sad corollary: Miss Alcock had known Colclough for a considerable time; she was an amiable and sensible person — her brother's absence, his trial, and his subsequent depression deprived her also of her reason, and in this state she did not long survive the dreadful fate of her brother and his friend.

BETWEEN MR. HARRISON AND ——.
May 9, 1811.

A duel was fought on Tuesday morning, at daybreak, in a field, about a mile and a half from Totteridge, between two gentlemen, who had alighted from post-chaises, at the King's Arms public-house, near the spot. In an hour after one of the parties was brought in mortally wounded in the abdomen, and he died in four hours after. An inquest was held, and the fact of the duel being proved by some husbandmen, a verdict of "wilful murder" was returned. The body was owned

after the inquest. The deceased was a Mr. Harrison, a young man about twenty-two years of age.

BETWEEN LIEUT. STEWART AND LIEUT. BAGNALL.
October 7, 1812.

A fatal duel took place on South Sea Common, near Portsmouth. The parties were Lieutenant Stewart and Lieutenant Bagnall, of the Royal Marines, most intimate friends. The quarrel arose concerning a female, with whom both were intimate.

At the first shot Lieutenant Stewart's pistol missed fire. At the second discharge, his ball entered behind Lieutenant Bagnall's right shoulder. Every attention was instantly procured, but the wounded man expired on Saturday evening.

BETWEEN LIEUT. BLUNDELL AND MR. MAGUIRE.
July 12, 1813.

A duel was fought yesterday at Carisbrook Castle, Isle of Wight, at half-past two o'clock, P. M. *agreeably to the written challenge of Lieut. Blundell,* between that gentleman and Mr. Maguire, when at the second discharge of pistols, Mr. B— received a mortal wound, of which he died two days after.

BETWEEN MR. O'CONNELL AND MR. D'ESTERRE.
February, 1815.

The following account is from the Freeman's Journal of the 2nd of February :—

A difference was adjusted yesterday, at Bishop's Court, county Kildare, which had agitated this city for several days.

At a meeting at Capel-street, on the Saturday previous to the late Aggregate Meeting, Mr. O'Connell attended; and in illustrating some matter which he was anxious to enforce, he alluded, in a contemptuous manner, to the Corporation of Dublin. "The beggarly Corporation of Dublin" was, it seems, one of the epithets of scorn used in reprobation of this act. Mr. J. N. D'Esterre is a member of the Corporation; and having seen this phrase, he addressed a letter on the 25th (the day after the Aggregate Meeting) to Mr. O'Connell requiring to know whether he was fairly reported. On the day after Mr. O'Connell sent an answer, in which he said he would not avow nor disavow what had been reported in the newspapers. But he added, that if Mr. D'Esterre wrote to him to know his opinion of the Common Council of Dublin, as a body, he could easily satisfy him by saying, that no expression which language could furnish was sufficient to convey the sentiments of contempt he had for that body. Mr. O'Connell, besides, requested that

Mr. D'Esterre should consider his answer as forming the close of the epistolary correspondence on this topic.

On Friday, a letter was left in Merrion-square for Mr. O'Connell, during his absence at the courts. Its direction was different from the former one which came from Mr. D'Esterre; and Mr. James O'Connell, who had instructions to open any communications that were directed to his brother in his absence, ascertained the quarter from whence it came. He sought merely for the signature, and on perceiving it to be Mr. D'Esterre's, he immediately closed the letter, and stated in a note to Mr. D'Esterre the circumstances under which he opened it. He said he was ignorant of its contents, not wishing, after the request his brother had made on the day previous, to know anything more of Mr. D'Esterre's epistolary messages. He added, that his brother did not expect to hear a second time from Mr. D'Esterre through the medium of *a letter*. Things remained in this condition till Sunday last. On that day Mr. James O'Connell received a note from Mr. D'Esterre, containing disrespectful observations on himself and his brother. Immediately after the receipt of it, he sent his friend, Captain O'Mullan, to Mr. D'Esterre to say, that after he had adjusted his affair with his brother, he would bring him to account for his conduct to himself peculiarly. Captain O'Mullan at the

same time intimated that Counsellor O'Connell was astonished at not hearing, in what he conceived the *proper way*, from Mr. D'Esterre.

Nothing farther happened on Sunday; and on Monday morning Mr. Lidwell, who remained here several days to be the friend of Mr. O'Connell, though some members of his family were seriously indisposed, left town for home, despairing of any issue being put to the controversy. Monday passed on; and on Tuesday considerable sensation was created by a rumour that Mr. D'Esterre was advised to go to the Four Courts to offer Mr. O'Connell personal violence. Neither of the parties came in contact. But it seems Mr. D'Esterre was met on one of the quays by Mr. Richard O'Gorman, who remonstrated with him, by stating that he conceived he was pursuing a very unusual sort of conduct. This occurred about three o'clock; but no challenge followed. About four it was understood that Mr. D'Esterre was in the streets; and Mr. O'Connell paraded about with one or two friends, but did not come across his antagonist. A multitude soon collected about him, among whom there could not be less than five hundred gentlemen of respectability; and Mr. O'Connell then had no other resource left, than to take refuge in a house in Exchequer-street. In a short time Judge Day entered, in his magisterial capacity, to put him under arrest. The hon. Justice said he would be satisfied if he had the

guarantee of Mr. O'Connell's honour that he would proceed no farther in the business. "It is not my business, Mr. Justice," said Mr. O'Connell, "to be the aggressor. Further, however, I must tell you, that no human consideration will induce me to go." The hon. Justice then retired; and Mr. O'Connell shortly after repaired to Merrion-square. No challenge of any kind grew out of Tuesday's proceedings.

On Wednesday morning, however, it was at length intimated to Mr. O'Connell that Mr. D'Esterre intended to call upon him for a meeting. Twelve o'clock was fixed upon for the nomination of hour and place. There was some overture made to enlarge the time, but Mr. O'Connell's friend would not consent. We should mention that his friend was Major Macnamara, of Doolen, in the county of Clare, a Protestant gentleman attached to no party, and of the highest respectability. The friend of Mr. D'Esterre was Sir Edward Stanley.

After some discussion the parties fixed upon the place which we have already mentioned. It is about twelve miles distant from this city, and constitutes part of Lord Ponsonby's demesne. The hour appointed was half-past three o'clock. At three precisely (we can speak confidently, for we now speak from personal knowledge), Mr. O'Connell, attended by his second, Surgeon Macklin, and a number of friends, was on the

ground. About four, Mr. D'Esterre, attended only by Surgeon Peel, Sir Edward Stanley (his second), and a Mr. D'Esterre, of Limerick, appeared. There was some conversation between the seconds as to position, mode of fire, &c.; which, added to other sources of delay, occupied forty minutes. During this interval Mr. D'Esterre took occasion to say that his quarrel with Mr. O'Connell was not of a religious nature. To the Catholics, or their leaders, he said he had no animosity whatever.

At forty minutes past four the combatants were on the ground; they both displayed the greatest coolness and courage. The friends of both parties retired, and the combatants, having a pistol in each hand, with directions to discharge them at their discretion, prepared to fire. They levelled, and before the lapse of a second, both shots were heard. Mr. D'Esterre's was first, and missed. Mr. O'Connell's followed instantaneously, and took effect in the thigh of his antagonist, about an inch below the hip. Mr. D'Esterre of course fell, and both the surgeons hastened to him. They found that the ball had "traversed the hip," and could not be found. There was an immense effusion of blood. All parties prepared to move towards home, and arrived in town before eight o'clock.

It is said that Mr. D'Esterre's wound is very dangerous; we sincerely hope, however, that it will not prove mortal. The ball passed through

both thighs. There was a violent hæmorrhage of the bladder last night, but it had ceased before morning.

We need not describe the emotions which burst forth all along the road, when it was ascertained that Mr. O'Connell was safe.

Mr. D'Esterre died at five o'clock on the 3rd.

The particulars of this duel were reported as follows:—

The Dublin Corporation, at the period, was considered as the stronghold of the Protestant ascendancy, and the hostility to what were called the Catholic claims was carried to great excess. Mr. O'Connell, the champion of his party, assumed a tone equally violent and acrimonious; and at a meeting of the Catholics, held in Dublin, spoke of the corporation of that city in the most contemptuous terms, and amongst other abusive epithets, called it "a beggarly corporation," an expression which soon became a by-word with their opponents.

Mr. D'Esterre, a young man of great respectability and high spirit, felt indignant at the reproach cast upon the body of which he was a member; and there is reason to believe that his indignation was fanned by the instigation of his colleagues, who were anxious to rid themselves of such a formidable opponent as O'Connell. D'Esterre, therefore, addressed a letter to O'Connell, to

know whether he had used the expression which the public papers attributed to him. O'Connell, in reply, neither admitted nor disclaimed the alleged charge, but stated that no terms, however reproachful, could exceed the contemptuous feelings he entertained for the corporation as a public body. To this he added, that his letter must close all correspondence on the subject. Mr. D'Esterre was advised to address another letter to Mr. O'Connell, which was returned unread, by that gentleman's brother. Various reports were now circulated, and it was stated that D'Esterre intended to offer O'Connell personal violence, should he meet him in the streets. Thus did a week pass, during which threats and violent language were exchanged between the two hostile parties; and it was generally concluded that a duel could not be avoided. Mr. George Lidwell, at Mr. O'Connell's request, had waited a few days in Dublin expecting a message from Mr. D'Esterre, and at length Sir Edward Stanley, Barrack-master of Dublin, and a friend of Mr. D'Esterre, waited on O'Connell with the hostile message so long expected. The challenge was accepted, and the necessary arrangements were made between Major Macnamara and Sir E. Stanley.

The parties met at Bishop's Court demesne, Lord Ponsonby's seat, in the county Kildare, thirteen miles from Dublin. It is said that in the meeting Mr. D'Esterre had been very disadvantage-

ously placed by his second, being in a line with a tree, which afforded direction to his adversary's aim.

BETWEEN COLONEL QUENTIN AND COLONEL PALMER.
February 9, 1815.

Colonel Palmer had been at Bourdeaux, and on his return to Paris, on Thursday last, found that Mr. Lawrell (Colonel Quentin's brother-in-law) had left a card repeatedly at his hotel during his absence; in consequence of which he immediately signified his arrival to that gentleman. Mr. Lawrell soon after waited upon him with a challenge from Colonel Quentin. The parties met: Colonel Quentin accompanied by his relative, and Colonel Palmer by Mr. T. Thompson, member for Midhurst. The distance measured was twelve paces; and the challenger, thinking himself aggrieved, having given his first fire, Colonel Palmer showed that he was influenced by no personal motive, by instantly discharging his pistol in the air.

Mr. Lawrell and Colonel Quentin having thereupon, in answer to an inquiry from Mr. Thompson, declared themselves perfectly satisfied, the affair terminated, and the parties returned to Paris.

The Duke de Guiche and two French surgeons were on the ground.

BETWEEN MR. ——— AND MR. ———.

Edinburgh, Feb. 18, 1815.

About three o'clock on Monday last, a duel was fought between two gentlemen of this city, near to Caroline Park. Intimation of their intention being given to the Sheriff, a warrant was issued for their apprehension; but before the officers could reach the ground, the parties had interchanged shots without effect. They and their seconds were however taken into custody; and on inquiry into the circumstances of the case, the cause of quarrel appeared so unsatisfactory, and the whole proceeding of those concerned so very strange, that, besides ordering them to find security to keep the peace, the Sheriff fined both principals and seconds in twenty-five guineas each; and ordered the same to be applied for the benefit of the Lunatic Asylum, as being, from its nature, an institution best entitled to a fine derived from such a source.

BETWEEN MAJOR HILLAS AND MR. THOMAS FENTON.

Towards the close of the same year, another fatal duel was fought in Ireland. In the month of December, 1815, a vessel was cast ashore by stress of weather upon the coast of Tirivagh, near the residence of Major Hillas, who was an active magistrate, and a young man of the most humane disposition. On hearing of the disaster, he im-

mediately hastened to the spot to discharge his duties, and to fulfil his natural inclination. The captain, he found, had fallen overboard; and to his exertions, during the entire of a dark stormy night, the safety of the mate and eleven of the crew was chiefly to be attributed.

While Major Hillas was thus laudably engaged, Mr. John Fenton, a neighbouring gentleman, came up, and interfered in a manner which appeared to him highly incorrect; an altercation arose, which ended in Mr. Fenton's threatening to throw Major Hillas into the sea. He, however, continued his exertions from the 6th to the 8th December, on which day Mr. Fenton arrived with a party of yeomanry, and forced the property out of his hands. It was in vain that Major Hillas remonstrated; that he declared that his object was not salvage, and that he only endeavoured to save as much as possible from the wreck for the benefit of the owners. Being thus frustrated in his intentions, he made a journey to Scotland, where the owners of the vessel resided, in order to make them acquainted with all the circumstances of the business. On his return Mr. Fenton thought proper to send him a message, which the Major very properly declined accepting. An investigation as to the right of salvage afterwards took place, during the course of which Major Hillas complained that he had been most unhandsomely treated by Mr. Fenton,

who had interfered unjustifiably; and by taking the mate out of his hands, secured to himself, in an unhandsome manner, the legal custody of the vessel. Four days after the close of the investigation, Mr. John Fenton delivered a message to Major Hillas from Mr. Thomas Fenton. Major Hillas accepted the challenge, and when on the ground addressed the crowd of bystanders, saying—"I am sorry the mistaken laws of honour oblige me to come here to defend myself, and I declare to God I have no animosity to man or woman on the face of the earth." Major Hillas, in anticipation of a fatal result, had dressed himself in a full suit of mourning. On the first shot he fell dead. Mr. Fenton was afterwards tried for the capital offence, but was acquitted by the jury.

BETWEEN P. DILLON, ESQ., AND B. KANE, ESQ.

Dublin, Feb. 21, 1816.

Yesterday evening a meeting took place near Merlin Park, between P. Dillon, Esq., of this town, and B. Kane, Esq., of ——, when the former received his adversary's ball under the right breast, and instantly expired.

These two gentlemen were close friends for many years. Mr. Dillon had fought several duels, in all of which Mr. Kane acted as his second. And it is remarkable that Mr. Dillon's father lost his life in an affair of honour with the late Malachy Fallon, Esq., at the same age, and nearly on the same spot where his son fell.

BETWEEN MR. ALLEY AND MR. ADOLPHUS.

December 2, 1816.

A dispute between Mr. Alley and Mr. Adolphus, which originated in the court of the Old Bailey, during a late trial, has at length been brought to a termination, and without any fatal result.

On November 13th, Mr. Adolphus sent notice to Mr. Alley, that he would be ready to meet him at Calais as soon as ever he chose; the parties being bound over by the magistrates to preserve the peace within this kingdom. Mr. Alley accepted the challenge, and on the 14th set out for Dover, accompanied by Captain Alley, his cousin and second. Two of his intimate friends, Mr. Agar and Mr. Bevil, also voluntarily accompanied him. They arrived at Calais on the 15th, some hours before Mr. Adolphus; and at two o'clock on the 16th, after the preliminary business was arranged by the seconds, the combatants met, a short distance from the town; took their ground; and on the signal being given, they both fired together. Mr. Alley was wounded in the right arm; and the ball from his pistol passed so close to his adversary, as almost to graze his head. Here the business terminated. An eminent surgeon being immediately sent for, extracted the ball from Mr. Alley's arm.

BETWEEN MAJOR LOCKYER AND MR. SUTTON COCHRANE.

Cowes, December 12, 1817.

On Wednesday a duel was fought here between Major Lockyer and Mr. Sutton Cochrane, recently a lieutenant in the Royal Navy, which proved fatal to the latter, he having received his antagonist's ball under the right breast, which passed through both ventricles of the heart, and the lungs.

These gentlemen, in company with a Mr. Redesdale, a Mr. Hand, and upwards of sixty others, were going out as adventurers to South America, in the ship Grace, Davy master, now lying in these roads, wind-bound. The trifling difference between the parties arose in consequence of an expression of an unguarded nature from the deceased, the evening before, while regaling themselves, with several others, at an inn; he having asserted, that they were all in debt, and were seeking their fortunes. At which the major felt very indignant, and asked, if the other meant to include him? The deceased replied in the affirmative, and declared he would prove his assertion, which he did by giving a very ingenious explanation, observing, that if we were not in debt to any of our fellow-beings, we were all indebted to our Maker. But the major, not considering the explanation satisfactory, insisted on Mr. Cochrane's meeting him

the next morning, at the dawn of day, who very reluctantly fell into the measure, previously declaring that he would not fire himself, but that if his opponent insisted, he would receive his fire.

It was agreed that they should both fire at one time; but when the signal was made, it was observed, the deceased never raised his arm to level his pistol, while the ball of his antagonist's pistol immediately struck the seat of life. When the pistol of the deceased was examined afterwards, it was found neither unstopped nor cocked. The major, and the two seconds, Messrs. Redesdale and Hand, immediately decamped across the water.

The deceased was a well-educated and genteel young man, about twenty years of age, and we believe a relation of Lord Cochrane.

A coroner's inquest sat upon the body, the jury delivered their verdict, "wilful murder," against Major Lockyer, and Messrs. Redesdale and Hand, and the coroner issued his warrant for their apprehension. Mr. Hand was apprehended (by Allen, the Newport constable) at Portsmouth, on Thursday; the others are at large.

Major Lockyer and Mr. Hand were tried at Winchester Assizes, on the 7th of March, 1818; and the jury returning a verdict of manslaughter, they were sentenced to three months' imprisonment.

BETWEEN MR. THEODORE O'CALLAGHAN AND LIEUTENANT BAILEY.

Bow Street, January 13, 1818.

Yesterday morning, between eight and nine o'clock, Mr. Theodore O'Callaghan, and Lieutenant Bailey of the 58th regiment, met in a field near Chalk Farm, to fight a duel, accompanied by Mr. Charles Newbolt, and Mr. Thomas Joseph Phealan, as seconds. Lieutenant Bailey received a wound in his right side, which proved fatal, as he languished about two hours, and then expired. Mr. O'Callaghan and the two seconds were afterwards taken into custody, and brought to this office, when they underwent an examination before Mr. Conant, the sitting magistrate, and the following particulars transpired:—

Thomas Hunt, a constable at Hampstead, stated —That he was sent for to Mr. Adams's house, near Chalk Farm, in Ingram's Lane, near the Load of Hay, where he took the prisoners into custody, in consequence of a gentleman having been killed in a duel.

Mr. Adams, who occupies the house above alluded to, attended, and stated—That about nine o'clock that morning he was in his bedroom, in the act of dressing himself, when he heard the discharge of two pistols, which induced him to look out of his window. He saw four gentlemen two fields off his house, near Chalk Farm, whom

he considered in the act of fighting a duel. As they did not separate or disperse, he was fearful they would fire again. He therefore finished dressing himself with all possible speed, and hurried off to the spot, to endeavour to prevent the shot being repeated. Just as he arrived at the gate, and was in the act of getting over it, two pistols went off. He observed one of the gentlemen, who appeared to have discharged one of the pistols, turn round, and concluded he had received one of the shots. The other three gentlemen, the prisoners, went up to him instantly, and supported him on each side, to prevent him from falling. Each of them held him by the arm. On the witness getting up to them, one of them said to him, they were all friends. He saw blood running down the trowsers of the deceased profusely. The three prisoners gave him their names and addresses. He did not see a pistol in the possession of the deceased, or any of the prisoners. He invited the prisoners to conduct the deceased to his house, which they accordingly did. He did not observe any other person in the field, where the parties were, or near the spot. He observed to the parties, that it was an unfortunate affair. They all agreed, it was so. They inquired of him, if there was a house near for the prisoners to conduct the deceased to, as they were fearful of putting him to inconvenience. However, there being no public-house near, they

supported him to his house, which was about four or five hundred yards off.

The deceased appeared to him to be in a dangerous state, and blood was running out of his trowsers very fast. A surgeon was sent for with all possible speed. The deceased was laid on a sofa in his parlour, and while he was lying there, he desired Mr. Theodore O'Callaghan to come to him, and held out his hand to shake hands with him, and said, he had behaved most honourably. The deceased had observed, that he was sensible he was dying, and could not live long. After this, he called the other two prisoners to him, shook hands with them, and made similar observations to them, and said, he forgave them all.

Mr. O'Callaghan, after this, went off to Hampstead, to get a coach to convey him from the witness's house. But in the mean time Mr. Rodd, a surgeon of Hampstead, arrived, in about half an hour from the time of the fatal shot. Mr. Rodd, after having examined the wound, said it was impossible to remove him. The shot had entered on his right side, passed through his intestines, and all but came through on the left side, it being only confined by the skin. It was visible to the eye. The shot had carried with it a piece of the cloth of his coat, and other garments.

The deceased had observed to him, that the quarrel which had been the cause of the duel was not originally a quarrel of their own, but had

sprung out of a quarrel of their mutual friends, who were to have fought a duel yesterday, and they were to have been their seconds. Upon recollection, he would not be positive whether it was the deceased or Mr. O'Callaghan who made this observation. He, however, understood that it was the prisoner O'Callaghan who shot the deceased. He did not observe any pistols in the possession of either of the parties, but he found two pistols lying on the table of his parlour; none of them owned them; but he had no doubt of their belonging to them (they were produced in the office in an unloaded state); they were of a large size. There were no pistols there before they came into the house. The deceased lived about two hours, or two hours and a quarter. All the prisoners paid every possible attention to the deceased, during the time he lived. He conversed with them all, and particularly with Mr. T. Phealan, who, the deceased told the witness, had been his second, or his friend, he could not recollect which. He heard him request Mr. Phealan to write the full particulars of the whole affair to his father, who, he understood, lived at Limerick.

Mr. Phealan had some conversation with the deceased privately, every other person having left the room. He then went off to London to procure more surgical assistance. On his return, the deceased had expired. Mr. Newbolt went,

in the mean time, to inquire for lodgings at Chalk Farm, or the neighbourhood. Mr. O'Callaghan went to Hampstead to procure a coach. They all appeared anxious to do everything for the deceased, and did not seem inclined to abscond, but very readily surrendered themselves.

The prisoners were not called upon for any defence. The magistrates informed them, the law did not make any distinction in cases of murder, all being considered as principals. They must all, therefore, be detained. It was suggested to the magistrate, that safe custody was all, probably, that he would require; to which he assented, and it was agreed, that they should be kept in the watchhouse till the decision of the coroner's inquest should be known; when it was suggested by the magistrate, that it was probable he might admit Mr. Phealan to bail. He regretted that the surgeon had not attended.

Public Office, Bow Street.

Yesterday morning another investigation took place, before Richard Birnie, Esq., respecting the cause of the death of Lieutenant Edward Bailey, of the 58th regiment. Mr. George Rodd, the surgeon of Hampstead, who had omitted to attend the examination on Monday evening, attended yesterday morning, and stated, That he was sent for on Monday morning, with great speed, to go to Mr. Adams's house in Ingram's

Lane, to attend a gentleman who had been severely wounded. He arrived at Mr. Adams's house about ten o'clock, where he saw a gentleman, who had been wounded, lying on a sofa. He proceeded to examine the wound, and he found a ball had penetrated on his right side, very nearly in a line with his navel. He proceeded to examine him on his left side, when he discovered that a ball was resting between his skin and the muscles. He succeeded in extracting the ball from the wound, and then dressed it. The three gentlemen, who are the prisoners, were present in the room at the time he examined the wounds of the deceased. After Lieutenant Bailey died, he opened the body, and found his intestines had been wounded in three different places, and which he had no doubt had caused his death.

Mr. William Adams, who has acted so humanely in this unfortunate transaction, attended again, and stated, in addition to the testimony which he gave on Monday evening,—That after the deceased had called Mr. O'Callaghan to him on the sofa, and shook hands with him, and said everything had been conducted in the most honourable manner, and that he forgave him, he asked Mr. O'Callaghan if he would have done the same by him if he had wounded him? To this Mr. O'Callaghan replied, most certainly he should have acted as he had done; and followed up

the observation by saying, "I wish I had been wounded instead of you."

Mr. O'Callaghan appeared much affected, and said, "You touched me in the first fire we had on one of my legs, by what is called a graze." He then exhibited his trowsers and boots; when it appeared, that a ball had passed through both the legs of his trowsers, and one of his boots. He saw the deceased, Lieutenant Bailey, shake hands very heartily with Mr. O'Callaghan, previously to their parting.

The three prisoners were ordered to be detained in custody.

On the application of an attorney engaged for the prisoners, Mr. Birnie agreed to their undergoing another investigation previous to their commitment for trial; and the attorney wrote to Mr. Adams, requesting it as a favour that he would attend again last evening at 7 o'clock, at which hour the three prisoners were brought again to this office; and Mr. Birnie having taken his seat on the bench, Mr. Nolan, Mr. Arabin, and another barrister, whose name we understood to be Gould, presented themselves to the magistrate in behalf of the prisoners.

Mr. Nolan first addressed the magistrate, and requested, that as the coroner's inquest had not yet sat, and would not sit till to-morrow, as the prisoners were now in safe custody, the magistrate would let them remain where they had

hitherto been confined; as he well knew it was in vain to urge any discretionary power of the magistrate, as to bailing them, till the decision of the coroner's jury was known.

The learned gentleman said, he felt strongly the charge of the crime under which the prisoners laboured; but he would say, that nothing he had heard of the evidence against them, in the least affected them as to premeditated murder. With regard to one of the prisoners, Mr. Phealan, he was the particular friend of the deceased, and was by no means instrumental to the violence that had been committed. All that Mr. Adams said respecting him, and he was the most material witness, was, that he was there on the spot at the time that the deceased came by his death. For anything that appeared in evidence, he might have been there accidentally; the spot where the transaction took place being near a public road and a path, he might have been an idle spectator. He must now answer for the highest crime which the law knew. The question he had to urge was, whether he was to remain in custody or be admitted to bail, till his trial; which he urged as to a sense of honour and humanity, and which he had no doubt was possessed by the gentleman by whom the business was first investigated, Mr. Conant; and if he had then been present, he should have taken the liberty of asking Mr. Adams a few questions, which he flattered him-

self would have induced the magistrate to have admitted the gentlemen to bail. If the coroner's inquest had met and pronounced their verdict, the case would be altered. As Mr. Adams had not arrived, he trusted there would be no objection to let them remain where they were. To meet his fate, was the wish of his friend, Mr. O'Callaghan, as soon as possible; to him the trial would be the most interesting, and he by no means wished to defer it. All he wished for was, that they might be remanded till to-morrow morning. After the coroner's inquest had sat upon the body of Lieutenant Bailey, and returned a verdict, it would then be a question, whether all or any of the gentlemen should be admitted to bail.

Mr. Arabin followed Mr. Nolan, and very handsomely acknowledged the kindness which had been shown him, in allowing him to read the evidence which had been taken in writing against his clients. He proceeded to enlarge upon it, and urged that there was not a shadow of difference between Mr. Phealan and Mr. Newbolt; and solicited that their commitment might be deferred, and that they might be admitted to bail.

Mr. Birnie in reply, said it was his wish to do justice to all; the prisoners had all been found on the spot.

Mr. Arabin admitted that there was no doubt

about that; but he appealed to the magistrate to feel as a man, a gentleman, and as a lawyer.

Mr. Birnie said, he had a public duty to perform. In answer to the arguments of the learned counsel, he quoted the celebrated case of Montgomery and Macnamara, in which Mr. Heaviside, the surgeon, was committed to Newgate, who had only been attending professionally; yet he was committed on a charge of murder. In that case, it will be recollected, Sir Richard Ford was committing magistrate, who at that time took up the practice of duelling in a very spirited manner; and publicly expressed his determination to commit the surgeon, and all persons who were present at fatal duels, to take their trials for murder. And it was this firm conduct in the magistrate at that period, which checked the spirit of duelling for some time after; Mr. Heaviside being confined in Newgate for a considerable time, and at a very heavy expense. Bail to any amount could have been procured for Mr. Heaviside, but the application was refused.

The other learned counsel was heard in favour of the prisoners. Mr. Nolan said their only motive for the application in behalf of the prisoners was, that they would be more comfortable where they had been, during the night, than in Newgate. Mr. Birnie observed that he did not know that magistrates had anything to do with coroner's inquests. Mr. Nolan said that if the magis-

trate complied with the application, no mischief, public or private, could happen. The magistrate observed, that it was in evidence before him, that one of the king's subjects had been deprived of life, and *primâ facie* it was murder. He had now made up his mind: the prisoners must all be committed to Newgate to take their trials for the murder of Lieutenant Bailey; and he was convinced that the three learned gentlemen would allow that he had decided right.

The prisoners were given into the custody of the officers to be conveyed to Newgate; and, on the 14th of January, they were tried at the Old Bailey for the crime laid to their charge; when the jury having returned a verdict of "manslaughter," they were sentenced to be imprisoned three months in Newgate.

BETWEEN LIEUT. CARTWRIGHT AND LIEUT. MAXWELL. March, 1818.

On the 1st of March, a fatal duel took place at Avranches, on the French coast, opposite to Jersey. It arose in consequence of a dispute between Lieutenants Cartwright and Maxwell of the British Navy. Lieutenant Cartwright received his adversary's first fire: the ball entered his forehead, and he expired in a few moments. He had been married at St. Helier's, only a few weeks before, to Miss Mann, niece to the Bishop of Cork and Ross.

Gourgaud

Le Gal de Gourgaud

N° 51

BETWEEN VISCOUNT BELGRAVE AND SIR J. G. EGERTON.

October 17, 1818.

An affair of honour was this day decided on the Flats near Chester, between Viscount Belgrave and Sir John G. Egerton. On the first fire Sir John's ball struck Lord Belgrave in the pistol arm, and slightly wounded his lordship. The quarrel between the parties originated in certain proceedings which had taken place on the preceding day, at the annual election of mayor for the city of Chester. A Mr. Baker, in proposing Mr. Evans, a gentleman in the Government interest, as mayor, made what were considered pointed allusions to some of the Egerton party, and insinuated that they had been stimulated by Sir John Egerton himself. The insinuation was required by Sir John to be disavowed by Lord Belgrave, who was present; but this his lordship refused. The greatest confusion then arose in the assembly, and the Recorder was ultimately obliged to adjourn the court to another day. The meeting between Sir John and Lord Belgrave was immediately afterwards arranged.

BETWEEN CAPTAIN JOHNSTON, OF THE 64TH REGIMENT AND BENJAMIN T. BROWNE, SURGEON OF THE ERIE, AMERICAN SLOOP OF WAR.

March, 1819.

On the 23rd of March, while Captain Johnston was on the main-guard duty at Gibraltar, a report

was made to him, that five individuals had been taken into custody by a sentry, on their way home from the play, for being without lights, contrary to the garrison regulations. Captain Johnston immediately ordered a sufficient number of men to see them home. In about ten minutes the police-sergeant who accompanied them, returned with three of the five in custody; and acquainted Captain Johnston that Archibald Taylor had endeavoured to escape from the sentry, and had made use of provoking and abusive language to him. Having, upon inquiry, found the report to be correct, Captain Johnston ordered the offender to be confined in the Crib; an order which he resisted, and used very offensive language to Captain Johnston himself. At this time Captain Johnston was not at all aware that he was an American. Taylor demanded satisfaction for the treatment he had received; but the Captain considered that he had merely acted in conformity with his duty, reported the whole affair to the field-officer, who approved of the course that had been pursued, and ordered Taylor to be continued in confinement.

In the morning Mr. Taylor was released; and upon the circulation of a report, two days afterwards, that Captain Johnston had declined to meet him or the American consul, who was said to have offered "to stand in his shoes," the former

having been obliged to sail immediately with the vessel of which he was master, Captain Johnston applied to the Consul for an explanation; when that gentleman disavowed any knowledge of the reports in question, and gave the Captain his thanks for the gentlemanly conduct he had evinced in the business.

Thus matters continued till the evening of the 31st, when Captain Johnston received the following letter by the hands of Lieutenant Stockton, first Lieutenant of the American sloop of war Erie:—

"Sir, "Erie Sloop, March 3rd 1819.

"You have refused to give the satisfaction due to a man of honour, whom you did not hesitate to insult, because he was no more than a commander of an American merchant schooner. That gentleman is known to me, and I vouch for his equality to you in every respect. I am his representative; and the satisfaction I understand you boast to have offered his friends, I demand as an American. My rank, I trust, is enough for any man of honour; and you will do me the favour to consider the bearer, my friend, for your use. (Signed) Benjamin T. Browne."

Mr. Browne was surgeon of the Erie. Captain Johnston instantly accepted the challenge; and the next morning, a meeting took place between them, upon the neutral ground; Captain John-

ston having distinctly disavowed making any boast with regard to Mr. Taylor. The arrangement made by their mutual friends on the ground was, distance eight paces, the word to be given, "Are you ready, gentlemen?" and, on assent being given, both to fire, after a pause for taking aim, while one, two, three, could be counted. On the first fire Captain Johnston received his opponent's ball through his hat. They were handed pistols a second time. The Captain fired; but Mr. Browne reserved his fire so long, that the friend of the former exclaimed, "That is not fair!" on which he fired. Captain Johnston expressed his indignation at the reservation of fire by his antagonist. After some warm language on both sides, the third discharge took place, without effect; and on the fourth,—which was rather hurried, in consequence of the approach of a sergeant's guard,—Captain Johnston's ball took effect in Mr. Browne's thigh. His friend, Mr. Stockton, immediately took up the ground, desiring Captain Johnston to keep his. They were about proceeding, when the sergeant's guard reached the spot, and prevented any further progress at that time.

Mr. Stockton insisted on meeting Captain Johnston the next morning, at five o'clock; to which the latter agreed, and returned to the garrison. Captain Johnston was prevented from meeting in the morning, from the circumstance of his

having been put under arrest, and an order of garrison being made, that no officer should be permitted to pass the barriers, in coloured clothes or otherwise; he, however, contrived to elude the vigilance of the guard in the afternoon, and at half-past four met Mr. Stockton at St. Michael's Cave.

The seconds instantly entered into conversation as to the mode of firing. Mr. Stockton's friend proposed that they should, on receiving the word, take an unlimited time for aim. This was objected to by Captain Johnston's friend as sanguinary, and at variance with those principles of honour upon which such meetings are founded. Some argument followed, which ended in a determination to decide by chance which mode should be adopted. The result was favourable to the more humane course; but the time which was lost in the dispute exposed them to the interruption of the guard, which was seen approaching. It was now discovered that Mr. Stockton had no pistols, and one of Captain Johnston's was borrowed for his use. Having taken their ground at the distance of eight paces, Mr. Stockton proceeded to take a steady aim, by resting the barrel of his pistol on his left hand. Captain Johnston's friend objected to this; and again the American endeavoured to justify that very unusual mode of deciding such matters. At length the guard was seen within a hundred

paces, and Captain Johnston desired that the affair might proceed in the usual manner. This was agreed to, and the discharge took place: the ball of Lieutenant Stockton's pistol passed through Captain Johnston's great coat; and, before a second fire could take place, the guard came up and interfered.

BETWEEN MR. UNIACKE AND MR. BOWIE.
August 1, 1819.

A duel was fought at Halifax, Nova Scotia, on the 1st of August, between Mr. Uniacke, son of the Attorney-General, and Mr. Bowie, an auctioneer; when the latter was killed on the spot. The deceased had been under a prosecution for an offence; in which cause he considered Mr. Uniacke, as the prosecuting attorney, had used improper expressions regarding him, and therefore called him out to the above ordeal.

BETWEEN CAPTAIN PELLEW, OF THE LIFE GUARDS, AND LIEUTENANT WALSH.
October 6, 1819.

The following are the particulars of a fatal duel which took place at Montmartre, near Paris, on the 6th of October, between Captain Pellew and Lieutenant Walsh:—Mr. Walsh not long since exchanged from the Life Guards, in which corps Captain Pellew held his commission. Previously to Mr. Walsh's quitting the regiment, he had resided with his wife a good deal in the barracks in Hyde

Park; where, being young and thoughtless, she unhappily received with too much readiness those attentions which military men too often think themselves at liberty to pay to every female. The consequences were such as might be expected to result from such infatuation. A close attachment was formed between Captain Pellew and the lady; and at length, in a fatal moment, she agreed to sacrifice her character, by eloping with the object of her blind affection. About a month before the duel she went off with him from her father's house, where she had been residing for some time, during the absence of her husband. They repaired to Paris, whither they were followed by Mr. Walsh; he preferring what is called the satisfaction of a gentleman, to pursuing any legal means of redress. A meeting was arranged: the distance agreed upon was twelve full paces, and they were to fire together by signal. When that was given, the pistol of Mr. Walsh was immediately discharged. Captain Pellew did not fire; and it is said he never intended to do so. Mr. Walsh's ball passed through the right temple into the brain of Captain Pellew, who instantly expired.

CHAPTER III.

DUELS IN VARIOUS COUNTRIES, FROM 1820 TO 1841.

BETWEEN MR. GRATTAN AND LORD CLARE.

June 11, 1820.

Mr. Grattan, son of the deceased patriot, having, at a public meeting in Dublin, made use of expressions which Lord Clare conceived to reflect upon the late Lord Clare, his father, and having declined either to explain or to justify them, the parties met in Hyde Park; when Mr. Grattan, having received Lord Clare's fire, instantly fired in the air. The friends present having given their opinion, that the affair could proceed no further, Mr. Grattan said, that having now met Lord Clare in the field, and given him the satisfaction required, he was willing to admit he was in the wrong, in having made use of such expressions. Upon which the parties shook hands, and the affair terminated.

Clay.

BETWEEN T. HUNGERFORD, ESQ. AND R. TRAVERS, ESQ.
August 13, 1820.

A fatal duel took place on the 13th of August at the island, within four miles of Klonakilty, between T. Hungerford, Esq., and R. Travers, Esq., a young gentleman of that neighbourhood. In the first fire the latter received the ball in his forehead, and instantly expired. The cause of the dispute was of some standing, and was likely to have terminated amicably, through the interference of mutual friends; but, unfortunately, on the preceding day a difference occurred upon a trivial point in the arrangement, which led to the lamentable catastrophe. They had been previously on terms of the closest intimacy.

BETWEEN MR. R. STUART AND MR. TOWNSEND DADE.
August 20, 1820.

A duel was this day fought between Mr. Richard Stuart and Mr. Townsend Dade, both of King George county, Virginia, on the Maryland shore, immediately opposite their residence, at a short distance, and with muskets loaded with buck-shot. Mr. Dade was shot dead, and Mr. Stuart was so severely wounded, that he expired in a few hours. They were near relations, neighbours, and theretofore close friends. The unfortunate difference occurred about a mere trifle.

BETWEEN MR. FULLIOT AND MR. BURROWES.

September 17, 1820.

In consequence of a dispute Mr. Fulliot, a gentleman well known in Chester for his amiability of disposition, on Monday morning received a challenge from Mr. S. Burrowes, a person connected with the law. The combatants drew lots for the first fire, which Mr. Burrowes won; the distance fixed upon was twelve paces. Shots were exchanged without effect: the pistols were a second time loaded, and both fired together with a like result. An ineffectual attempt was now made to reconcile the parties, and the fatal weapons were again discharged, which unhappily were too certain in their aim. A ball pierced the head of Mr. Fulliot, and fractured his skull. Mr. Burrowes was killed on the spot.

BETWEEN MR. JOHN SCOTT AND MR. CHRISTIE.

February 16, 1821.

A duel, attended with fatal consequences, took place on Friday evening, the 16th of February, at nine o'clock, in a field between Chalk Farm Tavern and Primrose Hill. The parties in this unhappy conflict were Mr. John Scott, the avowed editor of the London Magazine, and Mr. Christie, a friend of the supposed conductor of Blackwood's Magazine, Mr. John Gibson Lockhart, of Edin-

John Gibson Lockhart

burgh. The quarrel between these gentlemen had its rise in a series of articles which appeared in the London Magazine, discussing the conduct and management of Blackwood's Magazine, and regarded by Mr. Lockhart as offensive to his feelings and injurious to his honour. Mr. Christie, as the friend of Mr. Lockhart, waited upon Mr. Scott to demand an explanation of the articles in question; and, in fact, to require a public apology for matter which he considered personally offensive to himself, or such other satisfaction as a gentleman was entitled to. This interview led to others, as well as to a correspondence, in which much of mutual warmth was expressed.

To prevent misapprehension of what had occurred, Mr. Scott published his statement of the transactions to which he had been a party; which was very generally circulated in the literary world, as well as copied into some of the daily papers. This was followed by a statement on the part of Mr. Christie, the friend of Mr. Lockhart; which was succeeded by a second statement from the pen of Mr. Scott, in which he treated the conduct of Mr. Lockhart with great asperity, and defended the course which he had pursued with considerable warmth. Then followed a counter-statement from Mr. Christie; in consequence of which, Mr. Scott proceeded with his friend Mr. Patmore, to Mr. Christie's lodgings, and demand-

ed an apology or instant satisfaction. Mr. Christie refused the former, and expressed his readiness, without loss of time, to grant the latter.

The matter having come to this issue, it was agreed they should meet at Chalk Farm; and thither they proceeded, at nine o'clock on the same evening. Mr. Scott was attended by his friend Mr. Patmore, and by Mr. Pettigrew, his medical adviser. The moon shone with brightness; so that the party had a full opportunity of seeing each other, and, having taken their ground, they fired together without effect. The second fire was fatal to Mr. Scott; who received his antagonist's ball in his groin and fell. Every assistance which the circumstances would permit was afforded him; and he was conveyed on a shutter to Chalk Farm tavern; where he was laid on a bed in an almost hopeless state. Mr. Christie and his second then retired. Mr. Pettigrew, after having rendered all the assistance in his power to Mr. Scott, returned to town, in order to procure further surgical assistance, and to give directions that Mr. Scott's apartments at Mr. Bohte's, in York-street, Covent-garden, should be prepared for his reception, Mr. Scott having expressed a desire to be removed home. A short time after Mr. Pettigrew's departure, however, it was found that he could not be removed with safety. On examination, it appeared that the ball had passed through the intestines, and lodged at

the opposite side. The surgeons in attendance, however, deemed it prudent not to extract it, lest additional inflammation should be excited, and the danger, which was considered imminent, be thereby enhanced.

After Mr. Scott was wounded, Mr. Christie's friend apprised Mr. Patmore, that, in the first fire, Mr. Christie did not direct his pistol at Mr. Scott; but this circumstance not having been observed by Mr. Patmore, nor communicated to him at the time, and the parties being still unreconciled, a second fire unfortunately took place, which terminated as above stated. On Sunday Mr. Guthrie extracted the ball. Mr. Scott lingered till Thursday, the 4th of March, when he expired. On the same evening, the coroner's inquest sat on the body; upon which occasion Dr. Darling stated, that Mr. Scott, referring to his wound, had said, "This ought not to have taken place; I suspect some great mismanagement; there was no necessity for a second fire." After a short pause, he proceeded—"All I required from Mr. Christie was a declaration, that he meant no reflection on my character; this he refused, and the meeting became inevitable: on the field Mr. Christie behaved well, and when all was ready for the fire, he called out—'Mr. Scott, you must not stand there; I see your head above the horizon; you give me an advantage.' I believe he could have hit me then if he liked.

After the pistols were re-loaded, and every thing was ready for a second fire, Mr. Trail called out—'Now, Mr. Christie, take your aim, and do not throw away your advantage, as you did before.' I called out immediately, 'What! did not Mr. Christie fire at me?' I was answered by Mr. Patmore, 'You must not speak; 'tis now of no use to talk; you have nothing now for it but firing.' The signal was immediately given: we fired, and I fell." The deceased expressed himself satisfied with Mr. Christie's conduct; whom he described as having been very kind to him after he was wounded.

Mr. Pettigrew stated, that Mr. Christie asked him what he thought of the wound. He replied, that he feared it was mortal, in the hearing of Mr. Scott; when Mr. Christie addressed Mr. Scott, and expressed a wish "that he had been in Mr. Scott's situation, rather than Mr. Scott should have been wounded by him." Mr. Scott then said, "Whatever may be the issue of this business, I beg you will bear in remembrance, that everything has been fair and honourable." On being asked, if he did not hear it said on the ground, by Mr. Christie, that he had fired down the field, he replied — "I did; to the best of my recollection, Mr. Christie said, wringing his hands, apparently in agony, 'Why was I permitted to fire a second time? I discharged my pistol down the field before; I could do no more. I was compelled to fire in my own

Tenterden

defence.'" These expressions were made in consequence of some altercation which took place between the seconds. Mr. Christie took Mr. Scott by the hand after he was wounded.—The Coroner having summed up the evidence, the jury returned a verdict of "wilful murder" against Mr. Christie, Mr. Trail, and Mr. Patmore.

On Friday, the 13th of April, Chief Justice Abbott and Mr. Justice Park having taken their seats on the bench, at the Old Bailey, Mr. Gurney, who was their counsel, announced that Mr. Christie and Mr. Trail attended to surrender and take their trials, upon an indictment found by the grand jury against them for murder. They were immediately placed at the bar, and pleaded "Not guilty." Mr. Patmore did not make his appearance. The case for the prosecution was opened by Mr. Walford; who observed, that if the jury felt any doubts as to the identity of the prisoners, or thought the whole affair was gone through in heat, then they would acquit the gentlemen at the bar. Dr. Darling then repeated the evidence he had given before the coroner. After which, Mr. Christie and Mr. Trail being called on for their defence, stated, that they should only call witnesses to speak to their general character and habits of life. A number of most respectable persons then bore testimony to the general benevolence and humanity of their dispositions.

Chief Justice Abbott then, after stating to the

jury the nature of the indictment, proceeded to instruct them as to the law of the case. The accusation charged three persons as aiding and concurring in the death of Mr. Scott : two individuals only appeared ; but if the jury believed that the individuals at the bar were really two of those who had aided in the commission of the crime, it mattered not by whose particular hand the pistol had been discharged. The distinction, in cases of duels, between manslaughter and murder had been very clearly and correctly marked out by the learned counsel for the prosecution : if persons in heat of blood went out and fought with deadly weapons, then the law, allowing for the frailty of human nature, deemed the party killing guilty of manslaughter only ; but if, yielding to a false notion of honour, they went out upon deliberation and in cold blood to fight, then the death of one man fixed the crime of the murder upon all concerned; upon seconds (frequently the more culpable parties) as well as upon principals. The first question then was, were the gentlemen at the bar two of the parties known to have been in the field at the time when the shot was fired ? and next, was the duel fought in heat of blood or upon deliberation? His lordship then recapitulated the main points of the evidence, and upon that evidence left the fact of identity to the jury. It was possible, he said, that the real perpetrators of the crime might have escaped from the field before the arrival of Mr.

Pettigrew, and that the prisoners at the bar might have appeared accidentally at the moment; still the onus of showing that such had been the case lay in some measure upon them. Upon the second point, the feeling under which (assuming the identity) the duel had taken place — of the time or place at which the quarrel originated there was no evidence. The declaration of Mr. Scott, at the moment of his fall, that all had been done fairly and honourably, was, although the law would not recognise such ideas of honour, entitled to the attention of the jury; and there was another circumstance, arising out of the words of the supposed Mr. Christie, to which their consideration should be directed. They were these—"Why was I allowed to fire a second time? I fired down the field at first; what could I do more? I was compelled to fire in my own defence." Now, the circumstances were not such as would, in law, acquit a man as having fired in his own defence; but the words might have an operation upon the feeling under which the second shot had been fired. It was possible that Mr. Christie, having forborne to take aim the first time, might have fired his second shot under an impulse of immediate anger, produced by the failure of his pacific proceeding; and in that case, although his adversary fell, the crime amounted only to manslaughter. The Lord Chief Justice concluded by recommending the jury, in a case

of doubt, to take the side of mercy; and by observing, upon the excellent characters which the prisoners had received, that, unfortunately, men of the most exemplary humanity and benevolent feeling were too often induced to take part in transactions which led to the loss of life on one side, and to remorse and repentance during life on the other.

The jury, after a deliberation of twenty-five minutes, returned a verdict of "Not guilty."

BETWEEN VISCOUNT PETERSHAM AND THOMAS WEBSTER WEDDERBURNE, ESQ.

April 21, 1821.

A paragraph having appeared in the public journals, alluding to an altercation between Lord Petersham and Mr. Webster Wedderburne, and hinting that his lordship had undergone personal chastisement, Mr. Wedderburne was called upon to contradict the statement in question. The following is the correspondence that passed between him and Lord Foley upon the occasion:—

"Sir,

"Upon my return home, at six o'clock this evening, I first saw your publication in this day's morning paper, and, in consequence, lost no time in dispatching an express to Lord Petersham, at Brighton; who will instantly, upon receiving my letter, return to town, and that moment you shall hear from me. I write this, sir, to account for

what may appear a delay on the part of Lord Petersham in not writing to you the moment your publication appeared.

"From yours, sir, &c.

"FOLEY.

"Hamilton-place, 7 o'clock, Thursday evening, April 19.

"P. S.—Lord Petersham cannot return before 7 or 8 to-morrow."

"MY LORD,

"I have this instant received your lordship's letter, and beg to state that I shall be at home at all hours to-morrow, and ready to answer all communications. I am, &c.

"T. WEBSTER WEDDERBURNE.

"April 19, 8 o'clock, P. M."

"SIR,

"Owing to a mistake, Lord Petersham did not receive my letter till late this morning, consequently is only just arrived. He now desires me to say that it is absolutely necessary you should either send a friend to me, or fix a time and place of meeting to-morrow morning. I shall be at home till eleven this evening to receive your reply.

"From your humble servant,

"FOLEY.

"Hamilton-place, Friday evening, 7 o'clock, April 20."

"MY LORD,

"It was with much surprise, after having been detained at home the whole day, in consequence

of your lordship's note of last night, that I have received one from you this evening, desiring me either to send a friend to you, or to fix a time and place for meeting Lord Petersham to-morrow morning. Let Lord P. distinctly state the grounds on which he calls upon me, and my friend will then be ready to receive your lordship, or any communication on the part of Lord P.

"I am, &c.

"T. WEBSTER WEDDERBURNE.

"Friday evening, April 20."

"Hamilton-place, Friday evening, half-past 10.

"SIR,

"It is with astonishment that I received your letter demanding an explanation of the ground upon which Lord Petersham now calls upon you for satisfaction. You have not contradicted, but encouraged a most scandalous and prejudicial report against his personal honour: he calls upon you positively to contradict it, or give him that satisfaction which is due to a gentleman falsely accused. The cause of your having been kept waiting during the day has clearly been explained; I must, therefore, now repeat the necessity of your immediately fixing upon the time and place of meeting to-morrow, or giving under your hand, for publication, a contradiction of that scandalous and false report before alluded to. Too much time has already been lost to attend to

explanations that may, under some pretence, be withdrawn. "From yours,

"FOLEY.

"P.S.—An immediate answer is expected to the above, directed to Brookes's Club House, St. James's-street."

"TO LORD FOLEY.

"I am perfectly of Lord Foley's opinion, that too much time has been lost in this affair; but I beg to ask to whom is that delay to be ascribed? Since every circumstance has been made public, and since so much has passed between the parties, I considered it necessary, on that account alone, to demand 'the distinct grounds on which Lord Petersham calls upon me.' Lord Foley presents me with an alternative which is wholly out of the question. I am aware of no 'false reports' in currency against Lord Petersham, and if Lord Foley means that I could be capable of withdrawing any explanation I had once given, I must repel such an insinuation with indignation, and I will not permit any person to dictate that line of conduct to me which is alone consistent with my own honour to point out. I now, therefore, name three o'clock P. M., at Combe Wood, near Kingston, where I shall expect to meet Lord Petersham.

"T. WEBSTER WEDDERBURNE."

"I have received your letter, appointing three o'clock to-morrow afternoon, to meet Lord Petersham at Combe Wood, which shall be punctually complied with. "From yours,

"FOLEY.

"Brookes's, Friday night."

A meeting, in consequence of the above correspondence, took place between the parties on the following afternoon, at three P. M., attended by Lord Foley and Mr. Kerr, the former as the friend of Lord Petersham, the latter as that of Mr. Webster Wedderburne; when, after exchanging two shots, each without effect, the seconds interfered, and the affair terminated.

BETWEEN M. MANUEL AND M. BEAUMONT.
April 10, 1821.

The following singular and shocking duel took place in Paris. The circumstances which led to the sad result are extremely curious. One of the parties was M. Manuel, a Pole, a man of great respectability and of large fortune: he was about fifty years of age, and the father of six children, by the wife who survives him. M. Beaumont, the other party, is a single man, between thirty and forty, likewise of considerable property, and a native of Geneva. They were both exchange brokers.

About five or six months ago, M. Manuel, who lived on the most affectionate terms with his wife,

received an anonymous letter, saying that she was unfaithful to him. He tore the letter with contempt, and dismissed the matter from his mind. In about a fortnight he received a second letter, containing the same intimation; and this he treated like the first. In a few days he received a third, which stated, that as he was too incredulous to be convinced, except by ocular proof, he might have that proof the very next day, if he chose. The writer then told him to go at two o'clock to a particular house in a particular street, and to make a certain signal which he described, and he would then have no doubt of the writer's veracity. M. Manuel went accordingly at the time designated to the house in question, and made the described signal. The door was instantly opened by a female, whom he knew to be his wife, but who did not at first recognize him, but throwing herself into his arms called him by the name of Beaumont. The husband was now convinced. He determined to leave Paris immediately; he converted his French property into disposeable effects, and set off for his native place, Warsaw. Before he went, he proffered forgiveness to his wife, and even agreed to live with her, provided she would abandon her paramour. This the mother of six children refused to do; and the husband left Paris without her.

A few days before the fatal event he returned, and reappeared on the exchange. Here he met

M. Beaumont: a violent altercation ensued; and the result was a challenge, and a positive agreement, that one at least should not come out of the field alive. They met the next morning, fired, and M. Manuel was killed on the spot by a pistol shot in the breast. M. Beaumont shortly after fled to Switzerland, to escape the storm of indignation which exhibited itself against him at Paris; his colleagues on the exchange having come to a resolution never to transact business with him again.

The following curious circumstance occurred at the funeral of M. Manuel. When the body arrived at the church of St. Denys, in the Rue Caumartin, the authorities refused to receive it, because M. Manuel had been killed in a duel. The populace, however, insisted on its being received, and, after some delay, it was taken in. It was then found that no priest was present to perform the necessary rites: a second disturbance took place, and at length one appeared, but not habited in his canonicals; a fresh outcry, however, induced the priest to robe himself, and the service was performed in the usual manner. The body was afterwards carried to the cemetery of Père la Chaise, and there interred.

BETWEEN MR. WILLIAM BRITTLEBANK AND MR. CUDDIE.
May 22, 1821.

Mr. Cuddie, a Scotchman by birth, and a surgeon in the navy, came about four years before to reside at Winster, where he began to practise his profession. An attachment had subsisted for some time before his death between himself and Miss Brittlebank, the daughter of an eminent solicitor in the same town; and as she was in a delicate state of health, he had frequent opportunities of seeing her in his medical capacity. Mr. Cuddie's attentions to the lady met with the decided disapprobation of her family, and it was expressed to him in the strongest terms. On Monday, the 21st of May, Mr. Cuddie and Miss Brittlebank were met, whilst walking together, by Mr. William Brittlebank, her brother; who took his sister away, after some harsh words had been exchanged between himself and Mr. Cuddie. So improper did the language of Mr. Cuddie appear to Mr. William Brittlebank, that he sent a challenge to him on the evening of the same day. To this Mr. Cuddie returned no answer, and another messenger was dispatched to him on the same errand the following morning, who was informed by Mr. Cuddie that he would not meet Mr. William Brittlebank, and therefore should not reply to his note. In consequence of this, Mr. Spencer, a surgeon, residing at Bakewell, a

friend of both the parties, was sent for by Mr. W. Brittlebank. He came, and about three o'clock in the afternoon Mr. William and Mr. Francis Brittlebank, accompanied by Mr. Spencer, proceeded to Mr. Cuddie's house. They were here joined by Mr. Andrew Brittlebank; when Mr. Spencer, going into the house, informed Mr. Cuddie, that he must either make some apology to Mr. William Brittlebank or fight. It is stated that he again declined to do either the one or the other. Subsequently, however, he appears to have consented to give Mr. W. Brittlebank the satisfaction he required: pistols were furnished by Mr. Spencer to the parties: they separated to a distance of fifteen yards on the gravel walk in Mr. Cuddie's garden, and on the signal being given they fired. Mr. Cuddie unhappily received the shot of his antagonist in his bowels, and died on the following day.

A verdict of wilful murder was returned against the three brothers, Andrew, William, and Francis Brittlebank, and also against Mr. Spencer. Mr. W. Brittlebank had absconded. The other three were taken into custody, and conveyed to Derby jail.

The trial of the parties came on in August, before Mr. Justice Park, at the Derby Assizes. Mr. Denman said, it was his painful duty to state the circumstances of the case. The prisoners were to be tried for a crime that was considered

one of the heaviest of which human nature was capable. A murder was charged to have been committed by Mr. William Brittlebank, and the prisoners stood on their trial for aiding, abetting, and assisting in the said murder. The deceased, Mr. Cuddie, had been a surgeon in the navy; he had retired on half-pay, and resided at Winster, where Mr. Brittlebank, the father of two of the prisoners, resided. Mr. Cuddie had been on intimate terms with the Brittlebanks, but their friendship had fallen off in consequence of the attention of the deceased to Miss Brittlebank, which had been disapproved by the family. On the 21st of May, the day before the death of Mr. Cuddie, a letter was brought to him by the servant of Mr. W. Brittlebank, complaining of an insult which he said he had received, and calling on the deceased to fight him, in order to expiate that insult. Mr. Cuddie refused to give any answer to the letter. In consequence of this, on the following day the prisoner Spencer, who had been sent for from Bakewell, arrived at Winster, and agreed to go with a message from Mr. W. Brittlebank, demanding that Cuddie should fight him or make an apology. Cuddie replied he had no apology to make, and would not meet Mr. Brittlebank. Spencer carried back this answer, and returned to Cuddie with a new message; and on the deceased repeating the determination which he had pre-

viously announced, he told him that Mr. W. Brittlebank was in the garden, and he might see and speak to him if he would not fight. These were facts to be proved by witnesses, and by the dying declaration of the deceased, which, by law, could be received as evidence. Cuddie went into the garden, where he found William Brittlebank, with his brothers Andrew and Francis, who had been seen to go from their house to that of Mr. Cuddie. Here Andrew Brittlebank appeared anxious to prevent the duel, by calling on Mr. Cuddie to make an apology. This he declined, and pistols were then produced; and Mr. W. Brittlebank having walked fifteen or sixteen yards from the deceased, both turned and fired, as he believed. A ball had been found near the spot on which Cuddie stood; one had been sought for, but in vain, near that where Mr. Brittlebank had taken his place. He, however, did not mean to attach importance to that circumstance; he believed that Mr. W. Brittlebank had exposed his own life to the same risk which he forced Mr. Cuddie to run. The contrary was no part of the case for the prosecution. When, however, four persons were found going to the house of one, for the purpose of forcing him to fight a duel, though the duel might be conducted most fairly, according to the laws of honour, it was murder, under certain circumstances, in the eye of the law. Mr. Cuddie re-

ceived the ball fired from the pistol of William Brittlebank; he was then carried into the kitchen, he believed, by Spencer and Andrew Brittlebank. What followed would be proved by witnesses; and he expected it would be proved, that Andrew Brittlebank had at first denied having been present; but when the deceased stated him to be there, he then said, "Well, since you say so, did I not try to prevent the duel, by pressing you to offer something in the shape of an apology?" William Brittlebank had said, that the deceased must consider Spencer as his friend; and it would be shown, that when Cuddie, in a dying state, had been pressed to declare the duel had been a fair one, he declined doing so, though aware of his situation, sometimes by expressions, and at others by actions of dissent, such as shaking his head; and he certainly died without any such admission. Should the evidence fail to make out the charge, those concerned for the prosecution would be most happy to hear of a verdict of acquittal: should the facts be proved, their righteous verdict must be given; and, painful as it might be to themselves and all who heard it, they would have but one duty to perform.

A variety of witnesses were called, who proved the circumstances under which Mr. Cuddie lost his life. It appeared that he had received much provocation; but it appeared that the prisoners had endeavoured to give him every assistance

after he received the wound. The following is a copy of the declaration made by Mr. Cuddie on his death-bed :—

" The declaration of William Cuddie, of Winster, surgeon, made before me, Philip Gell, Esq., one of his Majesty's justices of the peace for the county of Derby, this 22nd day of May, 1821, who saith, that he was called upon by William Brittlebank, of Winster, to fight a duel, and that he wished to avoid doing so. That Edmund Spencer, of Bakewell, surgeon, came to him on the 22nd of May, instant, and told him that William Brittlebank and his brothers were in the garden waiting for him, and that he, William Cuddie, must make an apology, or fight. That he, William Cuddie, went to the garden, and refused to make an apology. That Edmund Spencer opened his coat and showed him two pistols, one of which he took, and William Brittlebank took the other ; that they separated to the distance of fifteen yards, or more. That Edmund Spencer threw up his hat as a signal, and they both fired their pistols as near together as possible."

The prisoners read written defences, in which they declared it to have been their object to prevent the duel, and procure an apology from the deceased. A number of persons of high respectability gave them excellent characters, and the judge having summed up, the jury, after an

absence of an hour and twenty minutes, returned a verdict of "Not guilty," in favour of the prisoners; who, deeply affected by their awful situation, on hearing the decision, which restored them to society, all bowed their heads, as in gratitude to the Almighty for their deliverance.

BETWEEN SIR ALEXANDER BOSWELL, BART., OF AUCHINLECK, AND MR. STUART, OF DUNCARN.

March 26, 1822.

About eleven o'clock, a meeting took place at Auchtertool, near Balmuto, in Fifeshire, between Sir Alexander Boswell, of Auchinleck, Bart. eldest son of James Boswell, the biographer of Dr. Johnson, and James Stuart, Esq. of Duncarn. Sir Alexander was attended by the Hon. John Douglas, brother of the Marquis of Queensberry, and Mr. Stuart by the Earl of Rosslyn. The ball of Mr. Stuart struck Sir Alexander in the shoulder, shattered the shoulder-blade, and was supposed to have entered the spine, as his limbs were quite paralysed. Sir Alexander was carried to Balmuto House, where he expired. The cause of this duel was a song which appeared in a Glasgow paper, called the Sentinel, on the 26th of December, and which Mr. Stuart ascertained to have been written by Sir Alexander. The manner in which Mr. Stuart became possessed of that information was through a person named Borthwick, concerned in the Sentinel at the time the

article appeared in that paper. Borthwick delivered the papers into the hands of Mr. Stuart, and from these papers the discovery of the author of the article mentioned, as well as that of others, was made.

On the 10th of June, the trial of Mr. Stuart, for the wilful murder of Sir Alexander, took place in the High Court of Justiciary, Edinburgh; present, the Lord Justice Clerk, Lord Hermand, Lord Gillies, Lord Pitmilly, and Lord Succoth. The indictment having been read, to which Mr. Stuart pleaded "Not guilty,"

Mr. Cockburn opened the case on the part of the defender. He stated, that all who knew Sir Alexander Boswell must be aware that he possessed, in a very extraordinary degree, the talent of irony. He then detailed the facts relative to the establishment of the Beacon and the Sentinel newspapers, the contributions of the deceased to those publications, and the manner in which Mr. Stuart obtained the fatal evidence. He next dwelt upon the urbanity and peace-making disposition of Mr. Stuart, and showed that the deceased had received no provocation from him, to justify the calumny in which he had indulged against the accused. Having read the opprobrious passages of the song, he contended, that those indignities imposed on Mr. Stuart the necessity of acting as he had done.

The Earl of Rosslyn deposed to the following

facts:—At the desire of Mr. Stuart he waited on Sir Alexander Boswell to ask if he was the author of the articles in the Glasgow Sentinel. He told Sir Alexander, that if he would say he was not the writer, and had not sent them to the newspaper, that would be sufficient. Sir Alexander said it was a delicate affair, and he thought he should consult with a friend. He consulted Mr. Douglas, who afterwards told witness that he could not advise Sir Alexander to give any answer. Witness had copies of a song and a paper, signed "Ignotus" when he called on Sir Alexander. The song contained two direct imputations of cowardice. At the wish of Sir Alexander, who had affairs to settle, it was agreed between Mr. Douglas and witness, that a delay of fourteen days should take place, and that the meeting should be on the Continent. Witness subsequently asked Mr. Douglas, if there was not a possibility of not carrying the affair any further; and told him Mr. Stuart would be content to treat the song as a very bad joke, provided Sir Alexander would say he did not intend any reflection on Mr. Stuart's courage. Mr. Douglas said, he had no hope that Sir Alexander would say any such thing. Sir Alexander changed his mind about meeting on the Continent; and it was finally settled that it should take place at Auchtertool. They met: the ground was measured twelve long paces. Witness gave the word: they fired, and Sir Alexander

Boswell fell. Mr. Stuart advanced with great anxiety towards Sir Alexander, but witness hurried him to go away. Before any thing took place on the ground, Mr. Stuart asked witness if it was not fit that he should make a bow to Sir Alexander, and express his wish for a reconciliation. Witness thought it right. Mr. Stuart advanced towards Sir Alexander, apparently for that purpose: Sir Alexander's back was then turned, and he appeared to be walking away from Mr. Stuart. In the whole of Mr. Stuart's conduct there was no appearance of personal ill-will or resentment against Sir Alexander; but only an anxiety to defend his own character from the imputations with which it had been assailed, particularly from that of cowardice. His conduct, from first to last, was cool, composed, and temperate. On the field, witness desired him to present his side and not his bust: Mr. Stuart replied, "I do not think I ought to take an aim." Never, from all his acquaintance with Mr. Stuart, knew a man less quarrelsome or less vindictive.

Mr. Douglas confirmed Lord Rosslyn's statement respecting the interviews and conversations that had taken place. On their way to the ground Sir Alexander consulted witness as to firing in the air or not. Witness said he must consult his own feelings on that point. Sir Alexander said, he had, perhaps, in an unhappy moment, injured Mr. Stuart, and therefore he should fire in the air.

Witness said that was exactly his opinion. After Sir Alexander fell, the only words he spoke to witness were, that he regretted he had not made his fire in the air more decided than it had been. On the journey to the ground, a conversation took place in the carriage, as to the possibility of an amicable adjustment. Sir Alexander said he was convinced there was not any: he did not know whether from an opinion that Mr. Stuart could do nothing else than fight, or whether from his own resolution: he rather thought the latter. Mr. Stuart conducted himself in every respect as became a man of honour and courage.

Dr. Wood said, he had accompanied Sir Alexander to the field: he did not see any pistols fired; he had instructed the other surgeon, that they ought to turn their backs and not see the firing, but that as soon as they heard the report they should turn, and run to the spot as speedily as possible. The pistols were fired in quick succession: on going to the spot, they found Sir Alexander wounded in the shoulder; they extracted two pieces of bone; the first was extracted by himself, and the other by Mr. Liston: he accompanied Sir Alexander to Balmuto House, and attended him till three the next day; when he died. In the carriage, on the way to the ground, Sir Alexander expressed his decided opinion, that Mr. Stuart could have done nothing else but call him out. He also declared his intention to fire in

the air, and on getting out of the carriage he said, "Now, gentlemen, observe that it is my fixed resolution to fire in the air."

Mr. Liston, surgeon, said that Mr. Stuart called upon him on the morning of the 26th of March, and requested him to go to the country with him; and, when on the Fife side, he informed him he was to fight a duel with Sir Alexander Boswell. He said he had no malice against Sir Alexander, and if he had the misfortune to hit him, he wished it might be on the great toe, as a gentleman in England had done lately on a similar occasion.

A letter from Sir Alexander Boswell to Robert Maconochie, Esq. dated the 24th of March, was put in, containing the following passage:—"Last night, on my arrival, I received a letter from Lord Rosslyn, that he wished me to appoint an hour as early as possible, that he might make a communication to me; this, I suppose, is in reference to some of these squibs. I do not know who the offended party may be; but even if it should be Mr. James Stuart himself, I shall give him a meeting. In order, however, to obviate many of those circumstances which follow such transactions, I mean that the meeting shall take place on the Continent, say Calais; and I wish to put your friendship so far to the test, as to request you to be my friend on this occasion. If I had deemed it expedient to meet my man here, John Douglas would have gone out with me; but if I

should be the successful shot, I should not like the after proceedings of our courts of law, and therefore wish to pass beyond their jurisdiction. I know nothing of particulars yet, but write in prudent anticipation. I know this is perhaps the greatest favour that can be asked of any man; but by this arrangement you will be implicated in less trouble, and you won't mind a trip to France. If my wish is acceded to, I would propose the meeting to take place about fifteen days hence, as I wish to make a slight arrangement respecting my estate, and legalise it by going to kirk and market."—After a number of witnesses had been examined, who all bore testimony to Mr. Stuart's high character for goodness of temper, kindness of disposition, and honourable and upright conduct,

The Lord Advocate said, that the charge of murder, according to law, having been fully proved, the next question was, what defence had been set up in behalf of the prisoner. The law knew of no other ground of exculpation, unless a justification founded on self-defence; but there were no circumstances to warrant such an argument in the present case.

Mr. Jeffrey said, it was not necessary for him to state, that the essence of all crime lay in the motive; and, after all they had heard, it could not be disputed that Mr. Stuart went to the ground without one atom of malice. They had

been told, that a duel was an irrational, barbarous, and pernicious practice; and that he who took it upon himself to send or accept a challenge was guilty of murder. He did not mean to offer any apology for the practice. The evils of duelling were ever uppermost in our view; but this prevented us from noticing, that it had proved the corrective of greater immoralities. It was known by those versed in history, that it had superseded the practice of private assassinations. That a person might not kill another, unless in self-defence, without incurring the crime of murder, was contrary to the fact. It might be done in defence of personal property on a nocturnal assault: a soldier on sentry, or a constable to prevent a rescue, might justly kill. And if, in such circumstances, it is permissible, you place a man in a painful dilemma, if, when made by the libeller an outcast of society, exposed to daily insult, shrunk from by friends, and met with the blushes of relations, you deprive him of the only means of wiping away those stains, and vindicating his character to the world. The analogy of the law, the reason of the thing, and the feelings of all mankind are against you. In the short reign of Henry the Fourth of France, about four thousand persons were calculated to have fallen in single combat; while, in our own country, during one of the longest reigns, that of George the Third, only sixty or seventy were said to have fallen; a fact

which showed, that the practice did not prevail to any alarming extent.

The Lord Justice Clerk then proceeded to detail the evidence, and to illustrate the law as it bore on the case in question. It was, he said, his bounden duty to state to them what the law of Scotland was, in relation to such an unfortunate affair as had come before them that day: but instead of stating the law in his own words, he would rather lay it before them in the words of the best authors on criminal law, and the first to whom he would refer was Sir George Mackenzie, who had laid it down as clear and decided law, that killing in a duel was murder, and quoted several cases in support of this opinion. The next author to whom he would refer the jury was Mr. Baron Hume, the standard authority on criminal law in Scotland. From the quotations read by the Lord Justice Clerk, it was clear that Mr. Hume completely coincided with Sir George Mackenzie as to the ancient practice: Mr. Hume states, that in later times, some juries had taken upon them to deliver verdicts of not guilty in such cases; but he clearly states, that such decisions were not in conformity to the strict law of Scotland. Mr. Burnet, also a valuable author, expressed himself much to the same effect with the other authors. The law, therefore, on such matters, he considered to be quite settled. The indictment charged Mr. Stuart with malice, but

there was not even an attempt to substantiate that part of it. On the contrary, it appeared that he was utterly ignorant who the author of the calumnies was, before he saw the papers in Glasgow. The jury would also keep in view the nature of the offers made by Mr. Stuart, his conduct in the field, as well as after the sad event; the contrition he expressed for the fatal blow, and the total absence of all vindictive feelings on his part. In the whole course of his practice he never had heard higher, or more distinct and discriminate praise bestowed on any character; and, in good taste, the evidence on this part of the case consisted of gentlemen, who were opponents to the prisoner in politics. He lamented, and the public groaned under, the lamentable licentiousness of the press: he hoped it would cease.

The jury, after a few minutes' consultation, without leaving the box, returned an unanimous verdict of "Not Guilty." The Lord Justice Clerk, then turning to Mr. Stuart, congratulated him on the favourable result.

BETWEEN THE DUKE OF BEDFORD AND THE DUKE OF BUCKINGHAM.

May 2, 1822.

On Thursday, the 2nd of May, the following statement appeared in the evening papers:—"We are authorised to state, that a meeting took place this morning between the Duke of Bedford and

the Duke of Buckingham, accompanied by Lord Lyndock and Sir Watkin Williams Wynn, in consequence of words uttered by the former at the Bedford County Meeting. Both parties fired together at the distance of twelve paces, on a word given, but without effect; when the Duke of Buckingham, observing that the Duke of Bedford fired into the air, advanced to his Grace, and remarking, that for that reason the thing could go no further, said, 'My Lord Duke, you are the last man I wish to quarrel with; but you must be aware, that a public man's life is not worth preserving unless with honour.' Upon which the Duke of Bedford declared, 'upon his honour, that he meant no personal offence to the Duke of Buckingham, nor to impute to him any bad or corrupt motive whatever.' The parties then shook hands, and the whole business was terminated most satisfactorily."

The following are the words used by the Duke of Bedford at the County Meeting:—"He would now advert to another transaction which he was almost ashamed to mention: he alluded to a great borough proprietor, now a noble duke, whose services, and the services of whose adherents in parliament, had been purchased by Government by conferring high offices on those adherents. It was an odious thing to mention these circumstances, but he introduced them for the purpose of asking whether, if a reform had been effected,

such transactions could possibly happen? The noble duke's family and connections were, of course, sent back to their constituents, when they accepted of place; because, when a member of the House took office, he must return to his constituents, to know whether they would re-elect him. But how were the individuals in question sent back? They were not sent back to the people of England; they were not sent back to those who were free to choose or to reject them: no, they were sent back to the borough proprietor, to their own patron, to the person who had engaged in the corrupt traffic; who had, in fact, made the bargain with Ministers. He would again ask, could such a circumstance possibly occur, if a reform were effected in the Commons' House?"

The Duke of Buckingham addressed a letter to the Duke of Bedford, demanding whether this language was used in allusion to him. The Duke of Bedford answered that it was, and that he stated the facts because he believed them to be true. A challenge was, in consequence, sent and accepted. The duel took place in Kensington Gardens, at a retired spot previously fixed upon. The Duke of Bedford left St. James's-square, at half-past seven on Thursday morning, accompanied by Lord Lyndock, and drove directly to Kensington Gardens; where the Duke of Buckingham arrived about the same time, attended by Sir Watkin Williams Wynn.

BETWEEN M. BENJAMIN CONSTANT AND M. FORBIN DES ISSARTS.

June 6, 1822.

On the 6th of June, after the sitting of the Chamber of Deputies, Benjamin Constant, the celebrated French political writer, demanded satisfaction of M. Forbin des Issarts, for a letter inserted in the Paris journal, the Quotidienne of the preceding day. Without any other explanation, the honourable deputies proceeded on the following morning to the ground. M. Benjamin Constant was accompanied by General Sebastiani and M. Girardin, and M. Forbin des Issarts by General the Count de Bethisy and Colonel Chemoin. M. Benjamin Constant being lame, he and his adversary were placed at ten paces distant on chairs. They fired together by signal: neither was hurt, and M. Benjamin Constant appearing satisfied, the seconds decided that the combat ought to terminate. According to the French journals, nothing could exceed the sang-froid that was manifested by the honourable deputies.

BETWEEN M. PINAC AND AN ENGLISHMAN.

July, 1822.

The following account of a fatal duel which took place in the town of Bagnères, in the department of Upper Pyrenees, is given in a letter to the editor of the Journal des Débats, of the 29th of

July :—" A deplorable event has just taken place in this town. The unfortunate young Pinac was interred this day; having been killed in a duel with an Englishman. The affair did not arise out of any personal quarrel. The Englishman, whose name is not known, being in the reading-room of Frescati, wrote on the margin of a pamphlet relating to the battle of Toulouse, that 'Every thing in it was false; that Lord Wellington had gained a complete victory; and that the French army was indebted to his generosity for not having been put to the sword.' M. Pinac, a young officer, not in actual service, on being made acquainted with this circumstance, called the Englishman to account for having written these words. The authorities did every thing in their power to prevent the duel; but their precautions proved ineffectual, and Pinac, having received a ball in his belly, died some hours afterwards."

BETWEEN GENERAL PEPE AND GENERAL CARASCOSA.
February, 1823.

In the year 1821, the Neapolitan general, Carascosa, announced his determination of calling out Lieutenant-General Pepe, late commander of the Neapolitan forces. Very shortly after General Pepe's arrival in London, which was on the 1st of February, 1823, he received a letter from General Carascosa, in which that officer, after

charging General Pepe with conduct injurious to his reputation, avowed his opinion that military revolutions were, in all cases, contrary to the principles of honour; and that any change in the government of Naples was unnecessary, still less in that of Spain. The letter concluded with a challenge in the usual terms. To this letter General Pepe replied, by declaring his opinion, that every free state was indebted for its liberty to military revolution, not excepting even England; that the Spaniards were now a prey to civil anarchy, only because certain individuals calling themselves Liberals were, in fact, hostile to the constitution of the Cortes; and that he had employed the authority which his rank and his command had given him at Naples, to resist the despotism of a government which, while it rendered the people miserable, was of no actual advantage to the reigning dynasty. He concluded by accepting the challenge.

On the 20th of February, the generals met. Count Santa Rosa, ex-minister of war of Piedmont, attended General Pepe, and M. Brunet, a French gentleman, General Carascosa. The weapons were swords, and the combatants engaged; but at the second pass, General Pepe's sword snapped short near the guard; upon which the seconds interfered, and the combat, as is usual in such cases, was deferred.

A second meeting took place on the 28th of

February, not far from Kew Bridge. On engaging, General Carascosa attacked with great impetuosity; but after several passes on both sides, General Pepe, seizing his adversary's sword with his left hand, disarmed him, and placing the point of his sword at his breast, had his life in his power. Here the affair would have terminated, but General Carascosa, on recovering his sword, renewed the combat; which was warmly maintained, until he was finally disabled by a thrust from General Pepe in the right shoulder. General Pepe, seeing his adversary incapable of further defence, declined availing himself of his advantage; and thus the duel terminated.

BETWEEN COLONEL GRAVES AND CAPTAIN LACY. May, 1823.

The following account of the proceedings taken by the Superior Court of Law for New Kent County, in consequence of a projected duel between Colonel Graves and Captain Lacy, is from the Virginia Times, of the 23d of May: — The Superior Court of Law for New Kent County tried and determined five several presentments, found by the grand jury against Colonel Richard Graves, in each of which the defendant was charged with a violation of the act to suppress duelling. The case, during the last session of the legislature, had been laid before that body by Captain Archibald Lacy, with the view of re-

moving Colonel Graves from his seat. The several presentments charged Richard Graves; first, with sending a challenge to Archibald Lacy to fight a duel; second, to fight a duel with poison; third, with sending a challenge to Archibald Lacy to fight a duel in the following manner—that two cups should be filled, the one with pure water and the other with deadly poison, and that two tickets should be rolled up and put in a hat, and they, Graves and Lacy, should draw lots who should drink the cup of poison; fourth, with sending a challenge to fight a duel with knives, &c.; and fifth, for challenging him to draw a lot for a cup of poison, which cup was to be drunk by the person to whom the same should fall by allotment.

To these charges the defendant pleaded not guilty; and the evidence went to establish the said charges. Verdict, "Not Guilty."

BETWEEN THE MARQUIS OF LONDONDERRY AND MR. BATTIER.

May 6, 1824.

A duel took place between the Marquis of Londonderry and Ensign Battier, late a cornet of the 10th Royal Hussars, in consequence of a letter which he had published, in reference to his dispute with the officers of that regiment, in which he had stated, that the noble lord "sheltered himself under his rank." Sir Henry Hardinge,

Secretary to the Ordnance, was the Marquis's second, and the second of Mr. Battier was Colonel Western. They met at a distance of ten paces. Sir Henry gave the choice of his pistols to Colonel Western. The word was given. Lord Londonderry's shot passed Mr. Battier on the right; while Mr. Battier's pistol missed fire. The marquis requested his antagonist might have another shot; but this Colonel Western declined, on the part of Mr. Battier, and thus the firing ended.

On the 13th of May the following General Order was issued from the Horse Guards: — "The Commander-in-chief having received a report from Lieutenant-General the Marquis of Londonderry, that his lordship had accepted a challenge to fight a duel with Ensign Battier, late a cornet of the 10th Royal Hussars, upon a point which his lordship considered to be one of military duty, his Royal Highness has felt it incumbent upon him to submit to the King a transaction at variance with the principles of subordination, and therefore of a tendency injurious to the discipline of the army. The King has consequently conveyed to his Royal Highness his Majesty's commands, to express his Majesty's concern and displeasure, that an officer of Lord Londonderry's high rank and military reputation should have committed himself in personal collision with an inferior officer, by accepting a challenge for any supposed aggression proceeding

from the exercise of his authority as Colonel of the Regiment."

The London Gazette of the 18th announced that the name of Mr. Battier was erased from the half-pay list of the army.

BETWEEN CAPTAIN GOURLAY AND MR. WESTALL.

October 30, 1824.

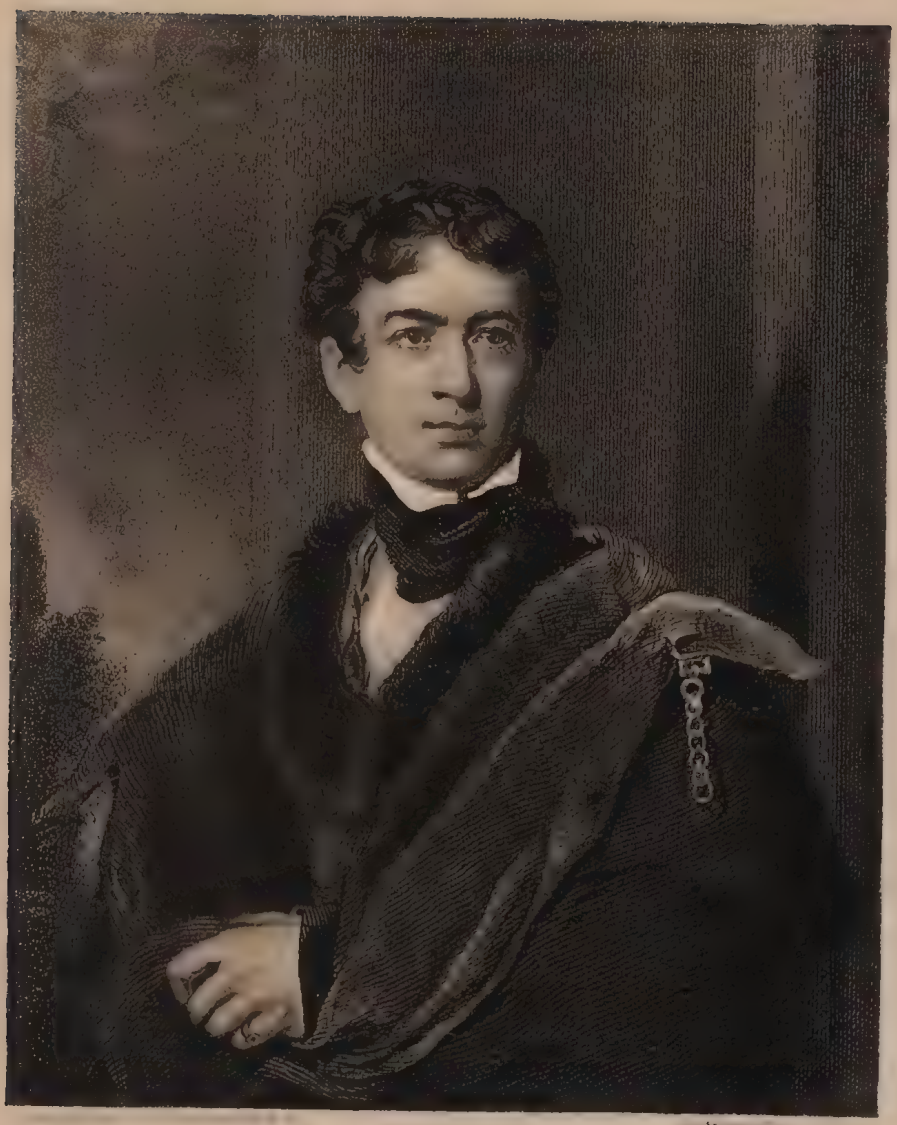
At the preceding Doncaster races, a Mr. Westall lost a bet of seventy guineas to Capt. Gourlay, who also lost a bet at the same time to a friend of Mr. Westall. Captain Gourlay and Mr. Westall met at the Bull Inn, Edinburgh, recognising each other with apparent friendship. After some conversation, the Captain reminded Mr. Westall of his bet; which that gentleman acknowledged, but added, that he was authorised by his friend to set off the bet which he had won from Captain Gourlay, against that which he, Mr. Westall, had lost. An altercation ensuing, the Captain applied the term swindler to Mr. Westall; who, in return, called the Captain a liar. On this the Captain, snatching up the poker, made a blow at Mr. Westall's head: the poker missed its aim, but descending on his shoulder, was snapped in two by the force of the blow; which, for some minutes, rendered him insensible. On recovering, Mr. Westall went into the coffee-room; where, after much warm language, a meeting was aranged.

The parties met at South Ferry; and, together with their seconds, crossed in the boat, and proceeded to an eminence; where, preliminaries being adjusted, the parties took their stations, and Captain Gourlay, receiving Mr. Westall's ball, fell dead upon the spot.

BETWEEN MR. LAMBTON, AFTERWARDS EARL OF DURHAM, AND MR. BEAUMONT.

July 1, 1826.

At Alnwick, on the 30th of June, after the close of the election for the county of Northumberland, at which Mr. Beaumont, Mr. Liddell, Mr. Bell, and Lord Howick were the candidates, Mr. Beaumont, while Lord Howick was addressing the freeholders, advanced and said, "I will now drag forth, not Lord Howick, but the head and front of all these proceedings. I accuse Mr. Lambton of prompting Lord Howick; which I have seen him do at every sentence of his speech." Mr. Lambton declared he had not. Upon which, Mr. Beaumont called out, "Mr. Lambton, gentlemen, says it is not the fact; I say it is false." Mr. Lambton instantly stepped forward and said, "I am ready to wave any intention of addressing you upon a matter relating personally to myself, being perfectly confident, that what has just occurred requires a very different answer from any which it can receive from these hustings, and which, let Mr. Beaumont be assured, it most certainly shall



THE RT HONBLE JOHN GEORGE LAMBTON. EARL OF DURHAM

Durham

have. Can any one who heard Lord Howick believe that he wanted any man's whisper to give utterance to his sentiments? Whatever may be Mr. Beaumont's reasons for his conduct, if he wishes to engage in a private quarrel, he shall not be baulked."

Upon leaving the hustings, Mr. Lambton, accompanied by the Hon. Charles Grey, retired to a house, to which all the efforts of his family to trace him were ineffectual. At length it was ascertained that he had dispatched Captain Bacon Grey to Mr. Beaumont, desiring that gentleman to hold a friend in readiness to receive an immediate communication from General Grey, for whom the Hon. Charles Grey had rode off express to Howick. In less than an hour the General arrived in Alnwick, and had a conference with Captain Plunkett, on the part of Mr. Beaumont. The result was, an appointment for a hostile meeting at nine o'clock, at the Moor, three miles from the town. On reaching the ground, Mr. Lambton did not find Mr. Beaumont; but he shortly after received a communication from him by Captain Plunkett, stating that the Captain, finding Mr. Beaumont beset by a crowd on the way, had advised him to return, as no doubt the meeting would be disturbed. They, therefore, made the best of their way to Belford, North Durham; from which they passed to a field adjoining the strand at Bamborough; where, about three in

the afternoon, and amidst heavy rain, Mr. Lambton and Mr. Beaumont were placed on the ground, at a distance of twelve paces, and immediately exchanged shots, without effect. Captain Plunkett was preparing to re-load Mr. Beaumont's pistol, when General Grey stepped up to him, and said that enough had been done for the honour of the parties, and that Mr. Lambton had never thought of requiring an apology. Captain Plunkett replied, that his friend was there for the purpose of giving satisfaction; but that if General Grey thought proper to withdraw Mr. Lambton, he, Captain Plunkett, must necessarily withdraw Mr. Beaumont. Mr. Lambton was then withdrawn; and here the matter terminated to the satisfaction, it was believed, of all present, though not a word passed between the principals.

The following is the official statement signed by the seconds:—"In consequence of some language which occurred on the hustings at Alnwick yesterday, a meeting took place this afternoon at Bamborough, between John George Lambton, Esq., M.P., and Thomas Wentworth Beaumont, Esq, when, after an exchange of shots, the affair terminated to the satisfaction of the seconds.—July 1, 1826."

BETWEEN THE MARQUIS DE LIVRON AND M. DU TRONE.

November 18, 1826.

A duel between the Marquis de Livron and M. Du Trone took place at mid-day, in the forest of Senart, near the château of Madame de Cayla. The whole affair had the appearance of an act of madness, and resembled more a tournament than a modern duel. M. Du Trone, the young advocate, was habited in the costume of a Greek chief: each combatant was mounted on horseback, and had three seconds. The parties were armed with sabres, and, on the onset, M. Livron was dismounted by the concussion of the horses. Both were slightly wounded, and the seconds then thought proper to interfere. What adds to the singularity of this duel is, that it took place in the presence of a hundred and fifty spectators.

BETWEEN MR. BRIC AND MR. HAYES.

December 26, 1826.

At Dublin, on the 26th of December, Mr. Bric, the counsellor, fell a victim to false notions of honour. On the preceding day, he was returning from the post-office, when the Cork mail drove up. Mr. Hayes, with other gentlemen, were talking of the contested election at Cork; and the majority of Hutchinson over Callaghan being announced, Mr. Bric said, rather hastily, that "he rejoiced at the prospect of the defeat of

that rascal Callaghan;" alluding to his decided hostility to the claims of the Roman Catholics. Mr. Hayes, a cousin and active friend of Mr. Callaghan, looking at Mr. Bric, replied, "Whoever calls Mr. Callaghan a rascal is a scoundrel and liar." He then handed his card to Mr. Bric, who returned his own. On the following morning, at half-past seven, they met in a field near the Broadstone, at Phibsborough, on the north side of the town. The ground being measured, the combatants took their position. Mr. Bric was previously observed to shake hands with several of his friends, the sight of whom agitated him a little. He mistook the signal "present" for "fire," and for an instant elevated his pistol; but, discovering his mistake, again dropped it, and apologised for having been premature. The signal was given immediately afterwards. Mr. Bric fired: his ball entered the earth, and after drawing the trigger, he wheeled round and threw up his left arm, thereby exposing his person to his adversary's fire. Mr. Hayes's ball entered Mr. Bric's left side, and, passing through his body came out under his left arm. He reeled, dropped his pistol, and went down gently. He at first was not conscious of the extent of his danger, and said rather calmly, he hoped the wound would not prove serious. The surgeons, however, on examining it, pronounced it fatal; and he expired in less than an hour. Mr. Bric was a native of

Tralee. In 1819, he came to England, and attached himself, in quality of reporter, to one of the London daily journals. On his return to Dublin in 1824, he was called to the bar, and almost immediately took a leading part in the agitation of the Roman Catholic question.

BETWEEN M. GOULARD AND M. CAIRE.

February 21, 1827.

The following duel took place near Paris. A student of pharmacy, named Goulard, while playing at billiards, quarreled with a young medical student of the name of Caire. Their mutual friends having in vain tried every means of persuasion to prevent the consequences of the dispute, accompanied the young men without the walls of Paris. Goulard seemed disposed to submit to an arrangement, but Caire absolutely refused. The seconds measured the ground, and the first shot having been won by Goulard, he fired, and Caire fell down dead. Goulard did not appear during the prosecution; he continued absent on the day fixed for judgment, and the court, conformably to the code of criminal proceedings, pronounced on the charge, without the intervention of a jury. It acquitted Goulard of premeditation; but condemned him, for contumacy, to perpetual hard labour, and to be branded.

BETWEEN THE DUKE OF WELLINGTON AND THE EARL OF WINCHILSEA.

March 21, 1829.

In consequence of the part which the Duke of Wellington took, as Minister of the country, in bringing in the Roman Catholic Relief Bill, the Earl of Winchilsea, who was strongly opposed to the measure, addressed a letter, on the 14th of March, to the Secretary of the Committee for establishing the King's College, London, which contained the following passage:—

"I was one of those who, at first, thought the proposed plan might be practicable, and prove an antidote to the principles of the London University. I was not, however, very sanguine in my expectations, seeing many difficulties likely to arise in the execution of the suggested arrangement; and I confess that I felt rather doubtful as to the sincerity of the motives that had actuated some of the prime movers in this undertaking, when I considered that the noble Duke at the head of his Majesty's Government had been induced, on this occasion, to assume a new character, and to step forward himself as the public advocate of religion and morality. Late political events have convinced me, that the whole transaction was intended as a blind to the Protestant and high-church party; that the noble Duke, who had, for some time previous to that period,

determined upon 'breaking in upon the constitution of 1688,' might the more effectually, under the cloak of some outward show of zeal for the Protestant religion, carry on his insidious designs for the infringement of our liberties, and the introduction of Popery into every department of the state."

This letter was published in the newspapers, and gave rise to the following correspondence:—

(1.) FROM THE DUKE OF WELLINGTON TO THE EARL OF WINCHILSEA.

"My Lord, "London, March 16, 1829.

"I have just perused, in the Standard newspaper of this day, a letter addressed to Henry Nelson Coleridge, Esq., dated Eastwell Park, March 14, signed Winchilsea and Nottingham; and I shall be very much obliged to your lordship if you will let me know whether that letter was written by you, and published by your authority. I am, &c. Wellington."

(2.) FROM THE SAME TO THE SAME.

"My Lord, "London, March 18, 1829.

"I wrote to your lordship, on the 16th, a letter, of which I enclose a duplicate, as, not having yet received an answer from your lordship, I am apprehensive that the original may not have reached you, although I directed it to

your house in Suffolk Street. I am just going to Windsor to attend his Majesty, but I shall be in town this night. I am, &c.

"WELLINGTON."

(3.) FROM THE EARL OF WINCHILSEA TO THE DUKE OF WELLINGTON.

"MY LORD, "Eastwell Park, March 18, 1829.

"The enclosed is a copy of the answer which I returned, by this day's post, to your grace's letter, which only reached me this morning. I intend leaving this place for London to-morrow morning, and expect to be at 7, Suffolk Street, between four and five in the afternoon. I have, &c.

"WINCHILSEA AND NOTTINGHAM."

(4.) FROM THE SAME TO THE SAME.

"MY LORD, "Eastwell Park, Ashford, March 18, 1829.

"I have the honour to acknowledge the receipt of your grace's letter of the 16th instant, and I beg to inform you that the letter addressed to H. N. Coleridge, Esq. was inserted in the Standard by my authority. As I had publicly given my approbation and sanction to the establishment of the King's College, London, last year, by his Grace the Duke of Wellington's becoming a subscriber to it, I thought it incumbent upon me, in withdrawing my name, also publicly to state my reasons for so doing.

"I have, &c. WINCHILSEA AND NOTTINGHAM."

(5.) FROM THE DUKE OF WELLINGTON TO THE EARL OF WINCHILSEA.

"My Lord, "London, March 19.

"I have had the honour of receiving your lordship's letter of the 18th instant. Your lordship is certainly the best judge of the mode to be adopted of withdrawing your name from the list of subscribers to the King's College. In doing so, however, it does not appear necessary to impute to me, in no measured terms, disgraceful and criminal motives for my conduct in the part which I took in the establishment of the college. No man has a right, whether in public or in private, by speech, or in writing, or in print, to insult another, by attributing to him motives for his conduct, public or private, which disgrace or criminate him. If a gentleman commits such an act indiscreetly, in the heat of debate, or in a moment of party violence, he is always ready to make reparation to him whom he may thus have injured. I am convinced that your lordship will, upon reflection, be anxious to relieve yourself from the pain of having thus insulted a man who never injured or offended you. I have, &c.

"Wellington."

Sir Henry Hardinge delivered No. 5, to the Earl of Winchilsea, and was referred by his

lordship to the Earl of Falmouth. The following memorandum is the substance of the communication made by Sir Henry Hardinge to Lord Falmouth.

(6.) MEMORANDUM OF SIR HENRY HARDINGE.

"March 19, 8 o'clock, evening.

"Lord Falmouth having expressed a desire to know the extent of reparation that would be expected, two suggestions, of what appeared to Sir Henry Hardinge to be the most natural mode of reparation, were drawn out, upon the distinct understanding that they were not made with a view to confine Lord Winchilsea's explanation, either as to the terms or manner therein stated, but as suggestions as to the course which might be pursued in bringing the matter to a satisfactory conclusion. Sir Henry Hardinge, therefore, on the part of the Duke of Wellington, expects *one* of the *two* following alternatives: — Either that Lord Winchilsea should forthwith write to the Secretary of the King's College, and express his desire to withdraw his public letter, as one which attributed motives highly offensive to the Duke of Wellington, and stating also that, upon reflection, he was not justified in attributing such motives to his grace, and therefore expresses his regret at having done so; or, that Lord Winchilsea should write directly to the Duke of Wellington himself, and make the same

acknowledgments to his grace, with a similar expression of his regret for having attributed motives highly offensive to his grace, relating to the occasion of his grace having presided at the meeting of the King's College in ——, last,—— [which motives he is now sensible he was not justified in imputing to his grace]. In either case, it is expected that a letter, so written, should be published by the Secretary of the London College in the Standard, being the same paper as that which contained Lord Winchilsea's original letter.

"Thursday, half past nine o'clock, evening."

"Friday morning, March 20. The paragraph within crotchets was not desired to be retained in the last interview with Lord Falmouth last night. H. H."

(7.) MEMORANDUM OF LORD WINCHILSEA.

"March 19.

"Whether I may determine to give an explanation of my letter published in the Standard on Monday last, will depend upon the correctness of my belief that I had grounds for the opinions complained of by the noble duke, as therein supposed. I am ready to allow that I was mistaken in my view of the noble duke's conduct, as expressed in my letter to Mr. Coleridge, on the 14th instant, and to state my regret at hav-

ing so expressed it, provided the noble duke will state on his part, that at the time he came forward to preside at the meeting for the establishment of King's College, London, he did not contemplate the measures which are now in progress for Roman Catholic emancipation; or, to use Mr. Peel's words, 'for breaking in upon the constitution of 1688;' but without some statement to that effect from the noble duke, I cannot withdraw the expressions contained in the above letter. WINCHILSEA."

(8.) MEMORANDUM OF THE DUKE OF WELLINGTON.

"London, March 20, 1829, in the morning.

"Sir Henry Hardinge has read me a memorandum written by Lord Winchilsea, and delivered to him by Lord Falmouth, from which it appears that his lordship is anxious that I should justify myself from the charges against me contained in his lordship's address to Mr. Coleridge, published in the Standard newspaper. I may lament that a nobleman for whom I feel the highest respect, entertains a bad opinion of me; but I do not complain, so long as that opinion is not brought before me. I cannot admit that any man has a right to call me before him to justify myself from the charges which his fancy may suggest. That of which I complain is, that the Earl of Winchilsea and Not-

tingham should have published an opinion, that I was actuated by disgraceful and criminal motives in a certain transaction which took place nearly a year ago. His lordship, unprovoked, has insulted me by stating in writing, and authorising the publication of, this opinion. For this insult I believed, and am not willing to part with the belief, that his lordship will be anxious to give me reparation. W."

(9.) MEMORANDUM OF SIR HENRY HARDINGE.

" Friday, March 20.

" Sir Henry Hardinge delivered to Lord Falmouth a memorandum, on the 20th of March, from the Duke of Wellington, in reply to one from Lord Winchilsea last night; in the latter of which it was proposed, as a preliminary to any explanation, that the Duke of Wellington should disclaim having contemplated the intentions attributed to his grace by Lord Winchilsea, which mode of reparation was considered inadmissible. In the memorandum of the Duke of Wellington, his grace states that his cause of complaint is in the publication of opinions highly offensive to him. Whenever, therefore, any terms or mode of reparation, which Lord Winchilsea may be disposed to offer, are communicated to Sir Henry Hardinge, he will make them known to the Duke of Wellington, and inform

Lord Winchilsea whether they are satisfactory or not. HENRY HARDINGE.

"N.B. The original of this delivered to Lord Falmouth."

(10.) MEMORANDUM OF THE EARL OF FALMOUTH.

"March 20, one o'clock.

"Out of respect for the Duke of Wellington, Lord Falmouth has taken to Lord Winchilsea the Duke of Wellington's memorandum, put into his hands by Sir Henry Hardinge this morning at the War-office, with Sir Henry's own note thereon. In reply, Lord Winchilsea does not feel himself in a situation to comply with the expectation therein expressed, as to the withdrawal of his public letter. Lord Winchilsea, therefore, desires that Lord Falmouth will decline so doing on his (Lord W's) behalf.

"FALMOUTH."

(11.) FROM SIR H. HARDINGE TO LORD FALMOUTH.

"MY LORD, "21st March, two o'clock.

"I feel it to be my duty, before I make a final communication to your lordship, to ascertain, beyond the possibility of a doubt, that Lord Winchilsea declines to give the reparation which the Duke of Wellington considers himself entitled to receive. I am, my lord, you obedient servant. HENRY HARDINGE."

(12.) FROM LORD FALMOUTH TO SIR HENRY HARDINGE.

" SIR, " London, March 20, 1829, half past three, P.M.

" In reply to your note, stating that you wish to ascertain positively whether Lord Winchilsea declines to give the reparation which the Duke of Wellington considers himself entitled to receive, I feel myself unable to say more than to refer you to the note which I delivered to you, as signed by him, in answer to the Duke of Wellington's memorandum of this day; and that if by the word 'reparation,' any withdrawal of Lord Winchilsea's public letter, or expression of regret for its contents, be expected, he does not feel himself in a situation to comply with such expectation. I am, sir, your obedient humble servant, FALMOUTH."

(13.) FROM SIR HENRY HARDINGE TO THE EARL OF FALMOUTH.

" MY LORD, " 11, Whitehall Place, March 20, 1829.

" I send your lordship a letter from the Duke of Wellington to Lord Winchilsea. I communicated to his grace the note of three, P.M., declining on Lord W.'s part to make any reparation, or give any explanation, &c. of his lordship's conduct towards the Duke of Wellington; and, in order to avoid the possibility of any mistake, I repeat what has already been verbally arranged

between us, that the Duke of Wellington will be at the place appointed at eight o'clock to-morrow morning. H. HARDINGE."

(14.) FROM THE DUKE OF WELLINGTON TO LORD WINCHILSEA.

"London, March 20, half-past six, P. M.

"MY LORD,

"Sir Henry Hardinge has communicated to me a memorandum, signed by your lordship, dated one, P.M., and a note from Lord Falmouth, dated three, P.M. Since the insult, unprovoked on my part, and not denied by your lordship, I have done every thing in my power to induce your lordship to make me reparation, but in vain. Instead of apologising for your own conduct, your lordship has called upon me to explain mine. The question for me now to decide is this — Is a gentleman, who happens to be the King's minister, to submit to be insulted by any gentleman who thinks proper to attribute to him disgraceful or criminal motives for his conduct as an individual? I cannot doubt of the decision which I ought to make on this question. Your lordship is alone responsible for the consequences. I now call upon your lordship to give me that satisfaction for your conduct which a gentleman has a right to require, and which a gentleman never refuses to give. I have the honour, &c.

"WELLINGTON."

(15.) FROM LORD FALMOUTH TO SIR HENRY HARDINGE.

" SIR, " London, March 20, 1829, half-past eleven, P.M.

" When I received the favour of your note, with its enclosure, soon after eight o'clock this evening, I had just sat down to dinner, and being in company I could not read it without exciting some suspicion, till some time afterwards. I had then to find Lord Winchilsea. All which I mention in excuse for delay, in case you should think it of importance; but I apprehend that, after an arrangement made before five o'clock this afternoon, his grace's letter to Lord Winchilsea, calling upon him for satisfaction in the usual way, was meant merely as a customary form on such occasions. All matters will take place of course to-morrow morning at eight o'clock, according to that arrangement. I have the honour to be, &c.

" FALMOUTH."

(16.) FROM LORD WINCHILSEA TO THE DUKE OF WELLINGTON.

" Suffolk-street, Friday night, eleven, P. M.

" MY LORD,

" I have the honour to acknowledge the receipt of your grace's note. I have already had occasion to communicate to your grace, that, under existing circumstances, I did not feel myself in a situation to comply with what was required of me in regard to my public letter. The satisfac-

tion which your grace has demanded, it is of course impossible for me to decline. I have the honour to be, &c.

"WINCHILSEA."

The Duke of Wellington and the Earl of Winchilsea met at the place appointed (Battersea fields), on the following morning. The parties having taken their ground, Lord Winchilsea received the Duke of Wellington's fire, and fired in the air. After some discussion, the accompanying memorandum was delivered by Lord Falmouth to Sir Henry Hardinge, and accepted by Sir Henry, as a satisfactory reparation to the Duke of Wellington :—

MEMORANDUM.

"Having given the Duke of Wellington the usual satisfaction for the affront he conceived himself to have received from me, through my public letter of Monday last, and having thus placed myself in a different situation from that in which I stood when his grace communicated with me, through Sir Henry Hardinge and Lord Falmouth, on the subject of that letter, before the meeting took place, I do not now hesitate to declare, of my own accord, that, in apology, I regret having individually published an opinion which the noble duke states, in his memorandum of yesterday, to have charged him with disgrace-

ful and criminal motives in a certain transaction which took place nearly a year ago. I also declare that I shall cause this expression of regret to be inserted in the Standard newspaper, as the same channel through which the letter in question was given to the public."

A copy of the preceding correspondence having been sent by Sir Henry Hardinge to the evening papers of the same day, the following memorandum was published by Lord Falmouth on Monday the 22nd:—

"Lord Falmouth first became concerned in the affair between the Duke of Wellington and Lord Winchilsea shortly before he met Sir Henry Hardinge on the subject, on the evening of Thursday, the 19th. Until that time, Lord Falmouth knew nothing whatever either of the previous correspondence, or of the publication which had led to it, beyond having seen the letter in the Standard newspaper. It may seem material to state, that when Sir Henry called upon Lord Falmouth, at twelve o'clock at night, with the proposal to omit the words affixed to No. 6 in parenthesis, it was after Lord Winchilsea's answer, No. 7, had been shown to the Duke of Wellington. This point is not quite clear in the publication of Saturday. Immediately after Lord Winchilsea had received his grace's fire, and had fired

in the air, Lord Falmouth was the first to propose satisfactory reparation for Lord Winchilsea's publication of his opinion in the Standard newspaper. Lord Falmouth distinctly declared on the ground, that it never was a question with him whether that publication was wrong, but merely whether Lord Winchilsea was in a situation honourably to subscribe to the terms proposed, after he (Lord Falmouth) was requested to undertake the business. Before the parties took their ground, Lord Falmouth delivered a sealed letter, which he had received from Lord Winchilsea on Friday night, to Sir Henry Hardinge, who returned it after the affair had been settled."

BETWEEN CAPT. HELSHAM AND LIEUT. CROWTHER.

April 1, 1829.

A duel, attended with a fatal result, took place at Boulogne, on the 1st of April, between Captain Helsham and Lieutenant Crowther. It arose out of an objection made by the former to the admission of the latter to a club established at Boulogne. The objection was, that the lieutenant had been assaulted in England, and had not behaved like an officer or a gentleman, by challenging the assaulter. The lieutenant demanded an apology : this the captain refusing to make, a duel ensued, and Lieutenant Crowther fell.

On the 8th of October 1830, Captain Helsham was tried, by a special commission, at the Old Bailey, on a charge of murder, under the Act of the 9th of George IV., in which it is provided, "that if any of his Majesty's subjects should be charged in this country with the murder or manslaughter of any fellow-subject on land abroad, and beyond his Majesty's prerogative, it should be lawful, although such murder or manslaughter be in a foreign land, to try such party accused of either of these offences in England."

Mr. William Coksley, a resident at Boulogne, gave the following evidence:—"I saw the parties on the ground. There were many individuals present. Mr. Malony put a pistol into Lieutenant Crowther's hand, who soon after fired it off. I observed Captain Helsham's arm raised; and after some short time his pistol was fired, and Lieutenant Crowther fell. The ball had passed through his neck; he never spoke afterwards, and died within half an hour. Captain Helsham walked off the ground immediately, having told his servant to take his pistols home."

Mr. Malony, an officer of the 5th Dragoon Guards, who acted as second to the deceased, said:—"The deceased consulted me, as a friend, on the 31st of March, respecting something that affected his character. In consequence of what he told me, I went to Holt's hotel to meet Mr. Grady; but before I saw him, Colonel Conway

and Captain Helsham came to me. The captain said, that Lieutenant Crowther was not a fit person for him to apologize to, or to fight; and he assigned as a reason for it, that he had been horsewhipped, and had not resented it as a gentleman and an officer ought to do. I told him, that Lieutenant Crowther assured me, upon his honour, it was false; and I solicited him to make an apology. Colonel Conway asked me, whether I came to deliver a hostile message? I replied, I came there the messenger of peace; and I renewed my endeavours to prevail on the captain to apologize. Upon which the prisoner said: 'An apology, sir! nonsense!' At length, I delivered a message, that, if he would not apologize, Mr. Crowther expected he would meet him in the field. After some further conversation, the captain said: 'Well, I give him warning. I am ready to meet him, but I will make it an affair of business.' After this, Mr. Grady and myself made an arrangement for the parties to meet the next day at eleven, at Napoleon's column. I accompanied Lieutenant Crowther to the spot. A number of individuals, a dozen at least, both on horseback and foot, were present. Mr. Grady said that the captain would have no firing, unless it was separate. We then proceeded to arrange the manner in which the duel was to be fought. The captain was in the ditch with us, when we were loading the pistols. I observed to him, that

this was contrary to all duelling usage. He said, he did not care a damn for the usage; he would see them loaded. The distance agreed upon was twelve paces. The parties were to stand with their pistols even down by their sides, until Mr. Grady pronounced the words, 'Now, gentlemen!' and on those words being pronounced they were to raise their arms, and fire as nearly together as possible, and no second aim was to be taken. The parties were then placed. Mr. Grady pronounced the signal loud enough for both to hear. Lieutenant Crowther immediately raised his arm with rather a quick motion, fired, and then lowered his arm. Captain Helsham did not fire till some time after. Not hearing the report of his pistol immediately after that of Lieutenant Crowther, I looked about, and observed the captain's pistol pointed towards his opponent in a position that, had he fired, the ball would have fallen short, his arm not being fully raised. He leaned his head to the right to get a good view of the lieutenant, raised his arm gradually, and did not fire for some seconds, until he had fairly covered his man; that is, got his pistol in a direction to him, and was looking along it. He appeared to take a deliberate aim. He fired, and Mr. Crowther fell. The ball passed through his neck."

For the defence it was urged, that there had been no animosity on the part of the prisoner; who had only obeyed the laws of society, accord-

ing to the best of his judgment. The circumstances of the duel had been examined by the authorities at Boulogne, who considered that it had been fairly fought, and had therefore liberated him. Colonel Conway stated, that he had said, in a conversation with Mr. Malony, that it was a pity two young men should fight upon a matter of so little importance; to which the latter had replied, that if Captain Helsham refused a meeting, he should be posted in the town, and publicly horsewhipped. The captain came out of the room at the time, and heard the observation. After a number of respectable witnesses had given the prisoner an excellent character for kindness, generosity, and humanity,

Mr. Justice Bayley charged the jury. They must first, he said, be satisfied that both the prisoner and the deceased were natural-born subjects of this realm; secondly, they must be quite certain that the deceased was killed by the hand of the prisoner; and thirdly, that the prisoner had so acted as to be guilty of the crime of murder. Intentionally using means calculated to produce death, if that result ensued, did most undoubtedly constitute the crime of murder. With regard to the present case, it appeared, beyond all doubt, that it had arisen out of a duel. Now, he was bound as a lawyer to tell the jury, that, if parties went out to fight a duel, and death was the result of that meeting, the surviving parties were equally

guilty of the crime of murder, whether fair or foul means had been used. If they found the prisoner guilty, they might accompany their verdict with any recommendation they thought proper.—The jury, having remained out of court for the space of about twenty minutes, returned with a verdict, finding the prisoner "Not guilty."

BETWEEN MR. LAMBRECHT AND MR. CLAYTON.

January 8, 1830.

This day, a duel, which terminated fatally, was fought in Battersea fields, between Mr. Lambrecht, who had formerly served as a lieutenant in the 43rd regiment, in America and at Waterloo, and Mr. Oliver Clayton, a literary gentleman from Ireland. Before daylight, Mr. Clayton proceeded with his second, Mr. Bigley, to Battersea fields, where Mr. Lambrecht and his second, Lieutenant Cox, were waiting his arrival. It was a little after six when all the parties took the ground. After a short conversation, the signal being given, the pistols were fired; and Mr. Lambrecht's ball passing through Mr. Clayton's body, he immediately fell. He was conveyed to the Red House, where he died at seven in the evening. The quarrel took place at Wood's hotel, Panton Square, during a discussion respecting the Roman Catholic Emancipation Bill, of which the deceased, who had renounced that faith, had been a warm opponent. During the dis-

cussion, Mr. Lambrecht called him a hypocrite; and this led to the duel. The jury who sat on the body brought in a verdict of "Wilful murder" against Mr. Lambrecht, the principal, and Lieutenant Cox and Mr. Bigley, the seconds; and the coroner's warrant was issued for their apprehension. On Wednesday, the 13th, Mr. Lambrecht, who had surrendered himself, was brought to Union Hall for examination. After the duel, the unhappy man returned to town; but withdrew from his usual residence, fearing that he should be discovered, and wandered about the streets for three nights. On Tuesday evening, being quite exhausted, he went into a public-house, where he drank to excess, and then gave himself up to a police-officer. After making the statement which will hereafter be given, Mr. Chambers, the magistrate, told him that it was a most serious business, and that he must prepare himself for the worst, as the law would be carried to the fullest extent. The parties were all committed to prison, to take their trial for the offence.

The said trial took place at Kingston assizes, on the 2nd of April, before Mr. Justice Bayley. After Mr. Gurney had stated the case, Mr. Thomas Powell, surgeon at Battersea, gave the following evidence: — "On the morning of the 8th of January last, I received a communication which induced me to go out shortly before seven o'clock. I went to the back of the Red House, Battersea,

and found there but three persons, one of them lying on a board, wounded, with a coat or cloak over him. The wounded gentleman was taken into the house, and laid on a bed. I found him wounded on the right side of the belly. It was a small wound, into which I could have passed the point of my finger. There was a wound also on the left side. There was nothing to enable me to say it was a gun-shot wound, had I not known it from other circumstances; but it might have been produced by a bullet passing through the body. I immediately pronounced it to be a mortal wound. My answer to the inquiry of the wounded gentleman was, that it must prove mortal. He asked me, how long I thought it probable he might survive. I told him I could not speak positively, but I should suppose he could not survive more than twelve hours. The wounded gentleman, who told me his name was Clayton, requested that a clergyman of the Church of England might be sent for. The clergyman came, and I went into another room. I returned shortly after, when he begged that there might be no prosecution, and said that every thing had been conducted fairly and honourably, and that he was to blame, in being so obstinate as to refuse the apology which had been offered to him. At this time he was aware he could not live. About two hours before he died he desired that certain persons might be written to, and that it might be

stated to them, that part of the quarrel was his being called a hypocrite. I asked him by whom. The answer was, 'By the man who shot me, Lambrecht.'"

Thomas Skinner was next examined.—"I work for the landlord of the Red House; and about half-past six o'clock on the morning of the 8th of January, when going to my work, I saw the flash of two pistols at one and the same time, and I heard the reports of both. I was nearly three hundred yards distant. I turned my back towards them, and one of the bullets appeared to pass me. When I went towards the place where the firing was, I saw four men bringing up a man on a board. They asked me if the house was open. I told them it was not, and they desired me to knock the people up. I did so; and then they brought the wounded gentleman up, and placed him in the house. He groaned very much, and said, 'Don't shake me.'"

Several other witnesses were examined; and the following statement, signed by the prisoner, was put in and read:—

"The prisoner, Richard William Lambrecht, being cautioned by the magistrates to be careful of what he said, and to offer nothing to criminate himself, said, 'What I state is the whole truth. I was acquainted with Mr. Clayton. I saw him receive a horse-whipping, which he did not resent. I mentioned it to Mr. Clayton on Christmas even-

ing, and after that he sent me a message, to which I returned another by Mr. Odell. Another person, nearly a fortnight after, took it up, and was my friend in the business. After that, the meeting took place; and Mr. Byrne, when on the ground, came up to me, and said, 'Is it come to this?' and I said, that I would make a written apology to no man. After the business took place, I went up to Mr. Clayton and shook hands with him, and he said, 'I forgive you, my dear friend; I forgive you.' The message to me by Mr. Odell was from Mr. Clayton; but Mr. Odell advised Mr. Clayton not to fight, refused to have anything to do with it, and was not on the ground. I offered an apology through my friend. I said, I regretted what had taken place; that the words were uttered in a moment of intemperance, and that I was willing to apologize; which was refused by the other party. I sent this message through my friend. The answer I received was, that it must proceed, as nothing would be taken but a written apology. As far as I know about the business, both our pistols went off at the same time. It was a chance shot, as it was dark, and we could not see."

Several witnesses were then called, who had long known the prisoners, and described them as persons of a humane and peaceable disposition.

Mr. Justice Bayley summed up, and closed his observations on the evidence with telling the jury

that the question for them to decide was, by what means did Mr. Clayton come by his death? If they were of opinion that he came by his death by a bullet from the pistol of Mr. Lambrecht, and that Mr. Lambrecht met him on the ground with the intention, if the difference could not be settled, of putting his life against Mr. Clayton's, and Mr. Clayton's against his, he was bound, as a lawyer and a judge, to tell them, that Mr. Lambrecht was guilty of the crime of wilful murder, and that they were bound to find him guilty of that crime under the present indictment.—With respect to the prisoner Cox, Lambrecht's second, however desirous he might have been for a reconciliation, and however he might have expected that an apology would be accepted, still, if he allowed himself to continue on the ground when he found that reconciliation was hopeless, and acted on the occasion as a second, he must be considered as aiding and abetting in that transaction; which, in the case of Lambrecht, amounted to the crime of wilful murder.—Then, with respect to the prisoner Bigley, Mr. Clayton's second, he acted as a go-between, and no other person was there on the part of Mr. Clayton. What, then, was the common purpose of the parties at the time, and was Bigley aiding and abetting? If the common purpose was, that the life of Lambrecht and Clayton should be respectively put in hazard, then Bigley was as much aiding and

abetting as Cox. The learned Judge concluded by telling the jury to take the case into their careful consideration; and if they were satisfied that Mr. Clayton came to his death by the shot of Lambrecht in the duel, and that Cox and Bigley were aiding and abetting on that occasion, they must find, or at least ought to find, a verdict of guilty.

The jury, after deliberating in the box for a few minutes, expressed a wish to retire. Before they went out, one of them said, they wished to know whether they might return a verdict of guilty generally, or whether they must say guilty of murder? Mr. Justice Bayley told them, that if there had been any circumstances in the case to reduce the crime to manslaughter, he should have stated them for their consideration; but he had found none. The juryman who had asked the question said, that the object of it was, to know whether they might find a verdict of manslaughter. The jury, after deliberating three hours and a half, returned a verdict of "Not guilty."

BETWEEN CAPTAIN SMITH AND STANDISH O'GRADY, ESQ.

March 17, 1830.

At the Commission Court, in Dublin, on the 21st of August, Captain Smith and Captain Markham, of the 32d regiment of Foot, were tried for killing Standish O'Grady, Esq. in a duel. Mr.

North stated the case for the prosecution. The late Mr. O'Grady, a young gentleman of about twenty-eight years of age, and a member of the bar, had, on the 17th of March, ordered his horse, for the purpose of driving out and taking his morning exercise. He was riding up Nassau Street, towards Merrion Square, when he met a cabriolet with Captain Smith and Captain Markham in it. Mr. O'Grady was riding on the left-hand side, which is adjacent to the wall of the College park. There was a carriage on the other side of the street, which narrowed the way the cabriolet should pass, and brought it near the wall, by which Mr. O'Grady was riding. It pressed so near that side, that, in trying to pass it, he was obliged to put his horse on the pathway. In the attempt, the horse missed his footing, and he feared would have fallen and thrown him; and he leaned forward to right himself in the saddle. He had in his hand a small whip; and, in pressing forward, it struck the head of the cabriolet. In this collision, Mr. O'Grady did not say one word to the gentlemen in it. The horse recovered its footing, and he his seat; and he went on at a gentle walk. The gentlemen in the cabriolet drew up as suddenly as its rapid motion would permit; and Captain Smith having jumped out of it, with the gig-whip in his hand, overtook Mr. O'Grady a little beyond Morrison's Hotel. He did not call him; he did not expostulate with him; but he

struck him on the back repeatedly, with great violence,—not once or twice, but many times. When he turned, he saw Captain Smith running back to his cabriolet. He asked him, who he was? Captain Smith said, he knew him well; but, on the question being repeated, he said, "Captain Smith, of the 32d regiment." Mr. O'Grady rode to his father's house, and sought for a military friend, Lieutenant Macnamara, of the 8th Hussars; who, in the course of the day, had an interview with Captain Smith, and Captain Markham, who acted as his friend. The meeting took place at six o'clock in the morning. It was understood, that no persons were to be on the ground but the principals and their seconds. Captain Markham acquainted Mr. O'Grady, that the signal to be given was, "Ready!—fire!" When the arrangements were completed, the principals came into the field, at a signal to that effect, and took their places on the ground. The pistols were placed in their hands, while Captain Markham and Lieutenant Macnamara stood by as seconds. Captain Markham then gave the first signal; but, from whatever cause, he did not give it in the terms fixed on. He said, "Gentlemen, are you ready?" or, "Are you ready, gentlemen?" Mr. O'Grady conceived the words were to be, "Ready!—fire!" and that this was a preliminary inquiry. Captain Smith, however, did not labour under this mistake: he levelled his pistol, and covered Mr.

O'Grady for a few seconds. Mr. O'Grady, perceiving his antagonist prepared, raised his pistol; but, before he had levelled it, Captain Markham, whose eye was upon him, gave the signal. Captain Smith fired, and Mr. O'Grady fell. He lived till about three o'clock on the following day, when he expired.

Evidence was adduced in corroboration of the above statement. The jury returned a verdict, finding both prisoners guilty of manslaughter; and they were sentenced to be imprisoned in the gaol of Kilmainham for the space of twelve months. The announcement of the sentence was received with cheers from some parts of the court. Captain Smith, who, during the latter part of the trial, had evinced considerable emotion, as soon as the sentence was pronounced, clapped his hands to his forehead, and in an agony exclaimed, "Oh God! my God! take my life! Is it come to this?" Then, throwing himself into Captain Markham's arms, he cried, "Oh Markham! my dear Frederick, have I brought you to this? Oh! I wish to God they would take my life! Shame and disgrace, and every thing else, have come upon me!" The unfortunate gentleman then covered his face with his handkerchief, and burst into tears. Judge Vandeleur added, that, in passing the sentence, he ought, perhaps, to have said, that the conduct of the prisoners, when in the field, was such as to leave no stain upon their character.

BETWEEN DR. SMITH AND DR. JEFFRIES.

August, 1830.

In the August of this year, the following most savage "affair of honour" took place near Philadelphia. A challenge was sent by a Dr. Smith to a Dr. Jeffries, and, being accepted, the parties met. The distance fixed upon was only eight paces; at which they exchanged shots, without either of them receiving any injury. Some efforts were then made by their friends to bring about an accommodation, but unavailingly; as Dr. Jeffries declared that he would not leave the ground until he had lost his own life or taken that of his antagonist. Pistols were then handed to them a second time, and at this fire the right arm of Dr. Smith was broken, which delayed the proceedings for a few moments, until he recovered from the exhaustion; when he declared, that, as he was wounded, he was ready to die, and requested the seconds to proceed. The pistols were then put into their hands a third time, Dr. Smith using his left hand. At this fire Dr. Jeffries was wounded in the thigh, and his loss of blood occasioned an exhaustion which again delayed the conflict for a few minutes. He, however, recovered, and both desired to shorten the distance. They now stood up for the fourth time, covered with blood, and at a distance of six feet. They were to fire between the words "one" and "five," and the shot

proved fatal to both parties. They fell to the earth. Dr. Smith was dead when he dropped, the ball having penetrated his heart. Dr. Jeffries was shot through the breast, and survived but four hours. They fought with perfect coolness. When Dr. Jeffries saw that his antagonist had fallen, he asked if he was dead; and being assured that he was, he declared his own willingness to die. Before he expired, he said he had been a schoolmate with Dr. Smith, and that they had been on terms of great intimacy and friendship for fifteen years; and he bore honourable testimony to his character as a man of science and a gentleman.

BETWEEN GENERAL SEBASTIANI AND GENERAL LAMARQUE.

August 1, 1831.

A hostile meeting took place in the Bois de Boulogne, between General Sebastiani, minister for foreign affairs, and General Lamarque, arising out of a speech made by the latter in the Chamber of Deputies, in which he represented M. Lebeau, Belgian minister for foreign affairs, as the Sebastiani of Belgium. The seconds present on this occasion, General Jacqueminot and M. de Rumigny, were chosen by General Sebastiani; whose adversary expressed himself satisfied with their presence, and declined appointing any on his own behalf. The affair having been arranged on the ground without an exchange

of shots, a detailed account of the circumstances attendant upon the intended duel was published in the journal called the Tribune; the tenor of which betrayed, on the part of General Sebastiani's seconds, more anxiety to settle the difference without fighting, than is usually considered consistent with the honour of the principal whom they are called upon to represent. A letter was, in consequence, addressed to the editor of the Tribune by General Jacqueminot and M. de Rumigny, in which they contradicted many of the circumstances stated in that journal, and entered into an explanation, which General Lamarque interpreted as being unfavourable to himself. Another meeting, in consequence, took place in the Bois de Boulogne; Admiral de Rigny acting as the second of General Sebastiani, and General Harispe for General Lamarque. Two pistol-shots having been exchanged without injury to either party, the seconds interfered, and the affair was amicably settled.

BETWEEN MAJOR-GENERAL MOORE AND MR. STAPYLTON.

February 13, 1832.

A duel was this day fought upon Wimbledon Common, between Major-General Lorenzo Moore, C.B., and Miles Stapylton, Esq. In the evening of the same day, the General was brought to

Union Hall police office, on a charge of wounding Mr. Stapylton; when Mr. David Harris stated, that as he was proceeding to Godalming on the outside of the stage-coach, about four o'clock, in passing the road which crosses Wimbledon Common, he heard the report of a pistol, and on looking towards the spot observed a gentleman fall. He and Mr. Self alighted, and ran to the place. Seeing the gentleman lying on the ground, and blood upon the breast part of his shirt, they went towards the General, who had a pistol in his hand, and told him that he must consider himself in custody. The General offered no resistance, and immediately resigned his fire-arms. In the meanwhile, the seconds and some other persons carried the wounded gentleman off the field, placed him in a carriage, and drove towards town. The witness and Mr. Self conducted the General to Kingston, and gave him into the custody of a constable, who brought him to town. On the following day he was again brought up, and was much affected at hearing a certificate of the dangerous condition of Mr. Stapylton read. Bail to any amount was offered; but Mr. Chambers, the magistrate, said that while the wounded gentleman remained in a condition between life and death, it was his duty to retain the General in custody. He was again brought before Mr. Chambers on the 22nd; who said that he had received a certificate from Mr. Guthrie,

the surgeon, who described Mr. Stapylton as being much better, and understood it was the decided wish of that gentleman and his friends that the whole matter should drop, and that no further proceedings should be instituted against the General. Under these circumstances, he and his colleague, Mr. Murray, had resolved to admit him to bail. They then decided, that he should find two securities of a thousand pounds each, and enter into his own recognizance in the sum of two thousand pounds, to appear at the next Surrey assizes; or, in the event of the fatal termination of Mr. Stapylton's wound, to appear at the Old Bailey to take his trial. The required securities were immediately entered into, and the General was discharged.

BETWEEN GENERAL JACQUEMINOT AND M. BELMONTE.

March 23, 1832.

In consequence of some reflections made by the editor of the French journal, the Tribune, on Marshal Lobau, commandant of the Parisian National Guard, four officers on the staff of the Marshal paid a visit to the office of the Tribune, with, to use a homely expression, a very bullying message. Taken unawares, the principal editor refused to meet a body of persons; but expressed his readiness to give the Marshal himself personal satisfaction. The affair got wind; and, in the course of the day, many young men

left their cards at the office of the Tribune, soliciting to be permitted, as assistant-editors of journals, to take off the odds; and accordingly the Tribune of March the 21st, intimated to the Etat-major, publicly in its columns, that sixty-seven editors were ready to go out with the sixty-seven officers of which the Etat-major is composed. Saturday, the 23rd, produced the first of the duels resulting from this challenge *en masse*. The principals in this affair were General Jacqueminot of the Etat-major, and M. Belmonte, the editor-in-chief of the Tribune. The former was attended by General Gourgaud and Colonel Taunton; the latter, by Colonel Bricqueville, a member of the Chamber of Deputies, and M. Cartel, editor of the Nationel. After an exchange of shots, the seconds interfered, and that particular affair was made up.

BETWEEN M. COSTE AND M. BÉNOIT.

September, 1832.

In consequence of a paragraph which appeared in the French journal called "Le Temps," reflecting on the manner in which orders had been distributed among the commissaries of police, a meeting took place in the Bois de Boulogne, between M. Coste, the editor of that paper, and M. Bénoit, commissary of police. M. Bénoit was attended by M. Nay, chief clerk of the private

office of the prefecture of police, and M. Haymonet, another commissary. The seconds to M. Coste were Dr. Pasquier and M. V. Schoeler, a literary gentleman. The parties were placed at fifty paces from each other, with an understanding, that they were to advance to the distance of twenty paces. Both having arrived at this point, M. Bénoit desired M. Coste to fire first: this, however, he declined, and the seconds desired that they should fire together, at a signal. The two shots went off within a second of each other: the ball of M. Bénoit's pistol went through the collar of the coat of M. Coste, while that of the latter entered the right side of his adversary, and passed through his body, coming out on the left side, about three inches higher. M. Bénoit was immediately conveyed to the infirmary of the King's household, where he shortly after died.

The endeavour, on the part of the Parisians, to establish, at this time, a summary law of libel, by which the editor who ventured to animadvert on a particular class of public officers, was subjected to a most awful species of censorship, gave rise to many animadversions in the English journals; and amongst them, to the following:—"Truth is said to lie at the bottom of a well; at Paris they seek it at the bottom of a bullet wound. The ordeal, in the late case of the 'Temps,' however, ended in favour of the editor: the commissary of police,—one of the first of a numerous body of

challengers for the same offence,—bit the dust, and is since dead. If editors are to have their errata thus corrected, they must either be very careful of what they print, or they must cast their old types into balls. Hitting a mark will be quite as necessary as pointing a period: reporters and paragraph-mongers must be as often seen at the shooting-gallery, as in the gallery of the House of Commons. It will be dangerous to enter a newspaper establishment on the leisure days; for, in the absence of rumours, the printers will amuse themselves with reports. The editors and sub-editors will stick up their unsold numbers for targets; and he who shall hole the stamp-mark will be considered to have hit the bull's-eye, and be held to have so far broken up the taxes upon knowledge. Thus, editors will be as dangerous on days of ball-practice, as on days of publication; and a man whose character is shot through and through, if he goes to the office to complain, may chance to have his thorax perforated as well. Hostilities have, however, on this side the water, scarcely commenced; and where they have, it must be said, little resentment has been exhibited on the part of the beaten journalists. This affair of M. Coste and M. Bénoit demonstrates the greater freedom of the press in England than in Paris. Had the liberty of finding fault with the manner in which orders had been distributed among the commissaries of police been indulged

in by an English paper on English magistrates, the remark would have been thought perfectly legitimate; and, so far from being fought about, would not have been even answered, unless by some paper in the opposite interest. This is, surely, far more rational than Mr. Roe, and Mr. Rawlinson, and Mr. Chambers, rushing into the offices of 'The Morning Chronicle' or 'The Examiner,' cursing the publisher, abusing the clerks, and challenging the editors to mortal combat. Where would be the use of Mr. Roe evading his own officers, and skulking to Chalk Farm, some dewy morning, in order to slaughter Mr. Black, because of the acrimony of his remarks on a police case? In this matter, at least, we order these things better than in France."

BETWEEN SIR JOHN JEFFCOTT AND DR. HENNIS.

May 10, 1833.

On this day a fatal duel took place near Exeter, between Sir John Jeffcott and Dr. Hennis. The dispute had arisen, in consequence of the Doctor having been supposed to have uttered words injurious to the reputation of Sir John, a judge of Sierra Leone. On the 26th of July, at the assizes at Exeter, he was charged with having unlawfully, feloniously, and of malice aforethought, inflicted a wound upon Peter Hennis, M.D., with a leaden bullet, of which wound he afterwards died;

and Charles Melford, Robert Holland, and George Anthony Halstead, were charged with aiding and assisting him. Sir John Jeffcott had not been apprehended. The other parties this day appeared in court to take their trial; and the following is the substance of the evidence brought forward.

John Corfield Irving.—"I had a conversation with Dr. Hennis, on the 10th of May, in consequence of which he wrote a declaration. After which, I saw Sir John Jeffcott, and told him I had come to him from Dr. Hennis; upon which he asked, if I came as the Doctor's friend. In consequence of what he said, I saw Mr. Melford, and I read to him, or showed him, this paper. I said, I trusted it would convince Sir John that the Doctor had never made use of the words in the sense imputed to him, and induce him to retract the expressions he had made use of towards the Doctor in the morning. Mr. Melford said, the Doctor had admitted the words imputed to him; upon which Sir John made use of the words 'calumniating scoundrel.' I told Mr. Melford I was directed by the Doctor to deny most unequivocally the use of the words, in the meaning imputed to him; that, on the contrary, the Doctor had asked a member of a respectable family, if the reports circulated in Exeter were true. The party said they were not true, and that Sir John had acted most honourably. Mr. Melford replied, that the words made use of by Dr. Hennis could

not have been mistaken by Mr. Holland; and he showed me the copy of a letter, written by Sir John Jeffcott to Dr. Hennis, on the subject. This is the letter:—

"Street's Clarence Hotel, May 10.

"SIR,

"IN a conversation with a gentleman of character and respectability, and I believe hitherto of unquestionable veracity, I was last night, to my great astonishment, informed that you had, about three months ago, stated to my informant, that the reason why a certain affair, in which the name of a most respectable family is involved, to whom I need not more particularly allude, was broken off was, that I had given that family a false statement of my pretensions; that I had, among other things, asserted I had a vote for the University of Dublin, which, in your opinion, I had no more than you had; meaning, I presume, that I had no vote, and that I had stated what was not true, and that you considered that I was, in fact, a mere adventurer. I can scarcely imagine that a person holding the station in society that you do, or that any man who ought, by profession and education, to be a gentleman, could have gone so gratuitously out of his way to traduce the character of any individual behind his back; particularly when that individual was your countryman, to whom to his face you had made professions, if not of friendship, at least, of cordiality and

good-will, and whose only previous intercourse with you was consulting you professionally in the first instance, and meeting you afterwards once or twice when you called professionally at the house of his friends. You will therefore, I feel satisfied, see the propriety, from regard to your own character, of coming at once to an explicit understanding upon the subject of this letter, and stating to me whether you did or did not use the expressions attributed to you. If you did not, you cannot, I am sure, as a gentleman, hesitate to disavow them promptly and unequivocally. If, on the other hand, you are prepared to maintain them, you will see the propriety of letting me know so without delay; as I am at present alone in Exeter, and am ordered to embark to-morrow morning on board his Majesty's ship Britomart, at Plymouth.

"I have the honour to be, &c.

"J. W. JEFFCOTT."

"I read this letter, and told Mr. Melford I was not aware it had been written, and must return to Dr. Hennis to know how he had acted under it. I communicated to the Doctor what had taken place. I found Captain Halstead with him. The Doctor told me, the Captain had received a communication from him prior to his meeting me. I therefore begged to resign the business into his hands. The Captain undertook the amicable arrangement of the matter, and with that view in-

structed me to accompany him back to Mr. Melford's; two heads being, he said, better than one. I did so. The Captain either read or showed Dr. Hennis's declaration to Mr. Melford, and said he felt confident Sir John Jeffcott, on being made acquainted with its contents, would retract the obnoxious expressions he had made use of. Mr. Melford said, he took the same view of the words as Sir John did, and that the Doctor had made an admission of them in the morning. He added, that the business could have been settled at nine that morning; but he feared it was then too late, as Sir John was to leave the town at three o'clock for Plymouth, and was perfectly satisfied with the part he had acted. Captain Halstead said, it could never be too late to arrange a business of that kind, and requested Mr. Melford would go to Sir John, and acquaint him with the nature of the strong declaration Dr. Hennis had signed. He afterwards told me, that Sir John would neither accept an explanation nor retract the words he had used. I took no part after."

William Hucksford, servant to Dr. Eady, said—"I accompanied him in his gig to Halden: when I arrived, I saw Mr. Holland near the road, and four gentlemen on the race-course. I saw them walk up to each other, and then walk away in two parties. I heard the report of a pistol, and, on going up, I saw Dr. Hennis, who appeared to be much wounded. Sir John Jeffcott knelt on the

ground, and asked Dr. Hennis if he would forgive him. I could not hear what answer the Doctor gave, but they shook hands; and, immediately after, the Doctor fell upon the ground." Mr. Luscombe, surgeon, said, he saw Dr. Hennis about six in the evening. "He had a wound in the body below the shoulder blade, caused by a bullet. I attended him till his death, which took place on the 18th."

Mr. Justice Patteson then charged the jury. He said that, from the facts proved, it was either a case of the high offence charged, or of no crime at all. The offence charged was that of murder; and the prisoners were charged, not with having inflicted the wound of which Dr. Hennis died, but with having been present at the time when another person inflicted that wound, aiding and assisting that other person, who was not now in this country, and therefore could not be tried. Unless it was done with malice aforethought, the crime of murder was not committed. Now, malice aforethought was not that of private, individual ill-will towards the party; but it was the malice the law presumed, when persons went out, intending to commit an act which was in itself unlawful. The law was this,—that if a person was so near as to be able to give assistance in any way to that which was going on, though even at some distance, for the purpose of giving such assistance, and went there for that purpose, then

he was considered to be aiding and assisting. If a party killed another in a deliberate duel, he was guilty of murder. Whenever two persons, in cool blood, met and fought on a preceding quarrel, and one was killed, the law said the other was guilty of murder; and he could not help himself by alleging, that the other struck the first blow, or that it was his intent only to vindicate his reputation: he had engaged in an act highly unlawful, and must abide the consequences; and not only the principal, but all persons aiding and assisting, or knowingly present at any deliberate duel, would be liable to a charge of murder. Where two persons went out with deadly weapons, tending to produce death, it was impossible not to see that they must have contemplated the possibility that death would ensue. The two principals in this case had had a personal altercation, but the other gentlemen had not. There had been messages to and fro, and great attempts to prevent a duel. They would say whether those attempts, and the ultimate arrangements to meet at Halden, would or not lead them to believe that it took place in the heat of blood. He confessed he had extreme difficulty in seeing how they could arrive at such a conclusion; how it could be said, the duel took place in the heat of passion: if they believed it did not, then it was a deliberate duel; and if so, the law pronounced it to be murder. He would say nothing as to

whether duelling ought to be tolerated: it was not tolerated by the law of England.—After detailing the whole of the evidence, the learned judge adverted to the high characters the parties had received; which he said was not inconsistent with that sense of honour, which induced them to go out and render their assistance to two persons in a deliberate duel. The question was in their hands, and they would decide according to their consciences.

The jury remained in consultation for a few minutes, and returned a verdict of "Not guilty."

BETWEEN M. CHARLES LEON, NATURAL SON OF NAPOLEON BUONAPARTE, AND CAPTAIN DE HESSE.

August 1833.

In the course of this month, a case came on to be tried at the assizes of the Seine, in which a charge of murder, committed in a duel, was made against M. Charles Leon, a natural son of the late Emperor Napoleon. M. Leon dined, on the 31st of December 1831, with M. de Rosambert, and met there another guest, Captain de Hesse. After dinner, play was introduced, and M. Leon was so unfortunate as to lose eighteen thousand francs. When called on to pay, he contended, that M. de Hesse had pledged himself to give his antagonist a *revanche;* which was only consistent with the laws of honour applicable to the game.

An angry discussion arose, and M. de Hesse published some particulars of the affair, which were considered prejudicial to the character of M. Leon. The differences between them at last arose to such a height, that a meeting became inevitable; and, on the 24th of February 1832, the hostile proceeding took place. The result was, that M. de Hesse was mortally wounded, and died three days afterwards. On the ground, M. de Hesse admitted the bravery and strict honour of his antagonist; his wife was, nevertheless, determined to prosecute. Accordingly, the seconds were summoned; of whom only General Gourgaud and M. May appeared. General Gourgaud gave his evidence to the following effect:—"I am not able to give any details respecting the circumstances which gave rise to this affair; for I am wholly ignorant of them. My friend M. Monneval, commissioned by the Emperor Napoleon to superintend the conduct of M. Leon, was indisposed at the time, and requested me to act for him in this very serious matter. I undertook the duty with regret; for I was well aware of the ties which bound M. Leon to the Emperor, and I was conscious of all that his Majesty had communicated to me on this subject at St. Helena. It was with me a sacred obligation, imposed by gratitude, not to abandon him at such a moment."

After a short deliberation, the jury found M. Leon "Not guilty," and the court acquitted him.

BETWEEN THE DUKE DE ROVIGO AND COUNT DE LANGLE.

February 14, 1835.

A meeting with swords took place this day in the Bois de Meudon, between the Duke de Rovigo, lieutenant of the first regiment of the Chasseurs of Africa, and the Count de Langle, captain of the National Horse Guards, in consequence of some offensive expressions uttered by the Duke, relative to certain recompenses granted to the National Guards. The Duke de Rovigo received a wound in his chest, which prevented him from continuing the combat.

BETWEEN MR. ST. JOHN AND COUNT CATRAFFIANA.

April 25, 1835.

In consequence of a dispute at a ball, on the 20th of April, Mr. St. John and Count Catraffiana left Rome for the Neapolitan territory. On account of a supposed rudeness on the part of the Count towards Mr. St. John, the latter had pulled his nose publicly in the ball-room; the consequence of which proceeding was a formal challenge the next morning from the Count. The duel was first to have taken place at Rome; but the police, having got wind of it, had taken measures to prevent it. They accord-

ingly left Rome on the 24th, and arrived on the following day at the Valla di Cicerone, near Mola di Gaita. Each of the combatants was attended by two seconds. They remained five minutes opposite to one another after the signal was given, each expecting the other to move forward. Mr. St. John then advanced a few paces, and fired with fatal precision ; his ball entering the chest of his opponent. The Count, after being wounded, put his hand to his breast, walked forward nine paces, fired, and dropped down dead. The Count's ball carried off a part of Mr. St. John's ear, and penetrated his hat. The Count was a practised duellist, having wounded several antagonists on similar occasions.

BETWEEN CAPTAIN WHITE AND COLONEL BELLAMY.

November 21, 1835.

A desperate duel was fought this day, at Washington, between Captain Everett White, brother of the delegate in Congress, and Colonel Bellamy, formerly president of the Legislative Council. These gentlemen were candidates for Jefferson's county, and Captain White was returned. The duel, from the mode of conducting it, was evidently intended to have fatal results. They were stationed sixty yards apart, with four pistols, to advance and fire. Captain White advanced, and

received three shots without injury, and then fired at the distance of fifteen paces. His first shot passed through Colonel Bellamy's arm, the next through his body, and, in the act of advancing with the other two pistols, he received a mortal wound from Colonel Bellamy's fourth pistol.

BETWEEN BRIGADIER-GENERAL EVANS AND CAPTAIN DICKSON.

April 8, 1836.

A meeting took place this day, at Wormwood Scrubs, between Brigadier-General Evans, of the British Auxiliary Legion, and Captain Lothian Dickson, of the British army, and late of the Legion. The misunderstanding arose out of circumstances that had taken place at the quarters of the Legion in Spain. Brigadier-General Evans, however, had refused to meet Captain Dickson, in consequence of what he considered to be conduct, on the part of the latter gentleman, which had forfeited his claim. The Junior United Service Club at last interfered, and decided that no stain of that nature rested on Captain Dickson. The meeting, in consequence, after some negotiation, took place. The following is the account of General Evans's second, which is borne out by Mr. Cooke, the friend of Captain Dickson:—"The meeting took place, and the prin-

cipals being placed, General Evans received Captain Dickson's fire; when, after an interval of a few seconds, General Evans brought down his pistol and uncocked it, without having fired. Upon which I addressed myself to Mr. Cooke, and said, 'I have now to say, that, in deference to the opinion of the committee of the Junior United Service Club, I have brought my friend here; and, having now paid that deference to those gentlemen, I feel it my duty to withdraw General Evans from the ground.' Mr. Cooke then said, 'I am not satisfied,' and again made allusion to an apology. I persisted in withdrawing General Evans, without further explanation; and, on leaving the ground, he then only informed me of his being wounded; and, on his return to his hotel, he was attended by Sir Stephen Hammick, who extracted the ball, and left his patient in as comfortable a state as, under the circumstances could be expected."

BETWEEN M. ARMAND CARREL AND M. ÉMILE DE GIRARDIN.

July, 1836.

A fatal duel took place between M. Armand Carrel, editor of the Parisian journal the Nationel, and M. Émile de Girardin, editor of the Presse. The Nationel, in a very measured note upon a

prosecution instituted by the Presse against the Bon Sens, expressed an opinion, that M. de Girardin would have done better to settle his quarrel with the editor of that feuilleton by written discussion, than by having recourse to the law. The Presse, in answering this note, introduced, in a manner not the most proper, the name of M. Carrel; who, although he did not sign the Nationel as its responsible editor, felt himself called upon to take the steps which led to such a deplorable result. M. Carrel fired first, and wounded his adversary in the thigh. M. de Girardin fired in his turn, and the ball entered the lower part of M. Carrel's body. He was immediately conveyed to Mandé, to the house of M. Peyra, an old and intimate friend; where he died on the following day. When they were carrying him from the ground, in passing his antagonist, he said to him, "And are you, M. de Girardin, suffering much?" The latter, replied, "I wish, sir, you were not more seriously wounded than I am."

BETWEEN THE HONOURABLE GRANTLEY BERKELEY AND WILLIAM MAGINN, LL.D.

August 4, 1836.

In consequence of an assault committed by the Honourable Grantley Fitzhardinge Berkeley, M. P. on Mr. James Fraser, the publisher of the

magazine under his name, Dr. William Maginn, the author of the article which originally gave offence, left his card at Berkeley House. A hostile message was forthwith sent by the honourable member, and a meeting was agreed upon for seven o'clock in the evening. Mr. Grantley Berkeley was attended by Major Fancourt, and Dr. Maginn by Mr. Hugh Fraser. The parties met in a field near the Edgeware Road, and, after exchanging three shots without effect, Mr. Hugh Fraser withdrew his principal; no explanation or apology having been required or tendered.

BETWEEN MR. HARRING AND A POLISH OFFICER.

May 11, 1837.

A duel was this morning fought, in a field adjoining Hampstead Heath, between Mr. Harro Harring, a native of Denmark, and a Polish officer, whose name is not known. The principals met on the ground, attended by seconds; and, having been placed at ten paces' distance, both discharged their pistols at the same instant, when Mr. Harring fell to the ground. He was conveyed to the North London Hospital; and the wound being pronounced to be dangerous, the victor, after asking and receiving forgiveness from the wounded man, mounted his horse and rode off to London Bridge; where he embarked on board a steam-

boat for Boulogne; the duel having been expressly fought at the time appointed, to allow the escape of the survivor to the Continent.

BETWEEN MR. ANDERSON AND MR. JONES.

August 1837.

A sanguinary "affair of honour" took place this month at Brownville, in the state of Pennsylvania. For some time past a slight misunderstanding had existed between Mr. Banner Anderson, of Bolivar, and Mr. Jones, merchant, of Brownville. Near the close of the week, Mr. Anderson came to Brownville, and, according to custom, placed his name on the hotel register. Shortly after, he discovered a remark written immediately under his name, impugning his character, and bearing the signature of R. H. Jones. He then wrote a reply, attaching thereto his proper signature. On the following Monday Mr. Jones called at the hotel, and, seeing the appended remark, became enraged, and declared he would have satisfaction. He walked to the door of a store into which Mr. Anderson had just entered, and called to him to come out. Anderson complied with the request, when Jones demanded of him, whether he had written the remark or not? Anderson answered in the affirmative; upon which, in an instant, each resorted to a pistol, standing about four yards apart. They fired simultane-

ously. Jones's ball lodged in the muzzle of his adversary's pistol, and the contents of Anderson's pistol lodged in Jones's breast. He expired in three hours. Anderson submitted immediately to the civil authorities, and was discharged. Upon examination, the whole was found to have been a misunderstanding; and that, if the parties had only conversed together on the subject, no difficulty would have ensued.

BETWEEN MR. CILLEY AND MR. GRAVES.

November 1837.

A fatal duel took place at Washington, between two members of the House of Representatives, Mr. Cilley of Maine, and Mr. Graves of Kentucky. Mr. Cilley had spoken disrespectfully of Colonel Webb, editor of the New York Courier; whereupon Mr. Webb sent him a challenge by Mr. Graves. Mr. Cilley said he would not fight such a blackguard as Webb, but was ready to accept a challenge from Mr. Graves. The following is an account of the arrangements for the meeting, drawn up by Mr. Cilley's second :—" Mr. Cilley proposes to meet Mr. Graves, at such place as may be agreed upon between us, to-morrow at twelve. The weapons to be used on the occasion shall be rifles; the parties, placed side to side at eighty yards' distance from each other, to hold the rifles at arm's-length, down-

wards; the rifles to be cocked, and triggers set; the words to be, 'Gentlemen, are you ready?' After which, neither answering 'No,' the words shall be in regular succession, 'Fire — one, two, three, four.' Neither party shall fire before the word 'fire,' nor after the word 'four.' The position of the parties, at the ends of the line, to be determined by lot. The second of the party losing the position, shall have the giving of the word. The dress to be ordinary winter clothing, and subject to the examination of both parties. Each party may have on the ground, besides his second, a surgeon and two other friends. The seconds, for the execution of their respective trusts, are allowed to have a pair of pistols each on the ground; but no other person shall have any weapon. The rifles to be loaded in the presence of the seconds." Three shots were exchanged without harm: at the fourth, Mr. Cilley was shot through the heart. Cilley's funeral was attended by six hundred persons, in one hundred and twenty-five carriages. The seconds afterwards published a statement, declaring that the duel was "regulated by magnanimous principles, and the laws of humanity."

BETWEEN SIR JOHN MILLEY DOYLE AND DR. LOVELL.

March 1838.

A hostile meeting took place near Lisbon between Major-General Sir John Milley Doyle and

Dr. Lovell, the Lisbon correspondent of the Morning Chronicle; the former attended by Mr. Brandt and Captain Doyle, and the latter by Major Dodwell and Captain Ruxton. The cause of the duel was a paragraph in the Lisbon correspondence of the Morning Chronicle of the 10th of March, respecting the decision of the commission appointed to investigate the claims of foreign officers upon those of Sir John Milley Doyle; who, considering that the passage was of a tendency injurious to his interests, required that it should be qualified by certain explanations on the part of Dr. Lovell. Sir John having fired without effect, and his antagonist's pistol having missed fire, the seconds of the latter gentleman interposed; and, having stated it as their opinion that he ought not to make any further objection to giving Sir John a declaration, that he had not intended to advance any opinion of his own in the notice he had taken of the decision pronounced by the commission, the affair terminated amicably.

BETWEEN MR. PIGOT AND MR. CARROLL.

April 27, 1838.

A duel was this morning fought at Newtown Park, near Dublin, between a Mr. Pigot and a Mr. Carroll. At the sixth shot Mr. Pigot received his adversary's ball in the leg. While the blood was streaming, he called for another shot; but

his request was not complied with. The dispute arose at a billiard-room, at a late hour of the preceding night, and they did not return home until they had settled it.

BETWEEN MR. RUSHOUT AND MR. BORTHWICK.

May 8, 1838.

Mr. Rushout having called upon Mr. Borthwick to explain some observations made by him at a public dinner at Evesham, which Mr. Borthwick declined to do, a meeting took place between those gentlemen in the evening at Wormwood Scrubs. After a second discharge of shots, the seconds interfered; and Mr. Borthwick stated, that he was perfectly ready to withdraw any observations which reflected on Mr. Rushout's character, being convinced that he had made use of them under misapprehension.

BETWEEN M. CALMEL AND M. LUARD.

May 1838.

A meeting with pistols took place near Caen, in Normandy, between M. Calmel and M. Luard, both of that town; in which the latter fell, and died almost immediately. M. Calmel and the four seconds were indicted for murder, and brought to trial on the 22d, before the Court of Assizes at Caen. The jury, notwithstanding the repeated

reversals of such decisions by the Court of Cassation, returned a verdict of acquittal against all the parties.

BETWEEN LORD CASTLEREAGH AND M. GERARD DE MELCY.

June 16, 1838.

The attentions of Lord Castlereagh to Madame Grisi having attracted the observation of her husband, M. Gerard de Melcy, he took measures to stop them at the threshold. In consequence of his precautions, a letter, addressed by Lord Castlereagh to Madame Grisi, came into his hands, before it could reach the lady for whom it was intended. M. de Melcy instantly went to the residence of the noble Lord, with the intention of demanding satisfaction; but, not finding him at home, he repeated his visit on the following day, with the same result. He thereupon addressed a note to the noble Lord, informing him that his letter was intercepted, and calling for the only reparation that it was in the young nobleman's power to give. Lord Castlereagh lost not a moment in offering the required satisfaction, and gave the name of Mr. Bentinck as the gentleman in whose hands his character would be placed. M. de Melcy called to his aid his friend M. de Cottreau; who undertook that the weapons should be pistols, and the distance twelve paces.

These preliminaries being arranged, the meeting

was fixed for Saturday morning, at half-past four. Both the gentlemen were in readiness; but, previous to that hour, it was arranged between the seconds, that the parties should not use the pistols they had been accustomed to practise with, but that two pair should be taken at hazard from a gunsmith's shop. This circumstance so delayed the meeting, that it was not till ten o'clock that the principals were in a condition to take the ground. At that hour they met at Wormwood Scrubs, one surgeon being in attendance. They were placed at the distance agreed upon, and instructed that the words to be given were, "Gentlemen, are you ready? Fire!" accompanied by the dropping of a handkerchief. Previously to the signal, Lord Castlereagh caused his second to deliver into the hands of M. Cottreau a paper signed by him, declaring that Madame Grisi had not, in the slightest manner, encouraged his attentions, and that he had never corresponded with her before. The word was given, and the signal dropped. They fired at the same time. M. de Melcy's ball passed through his antagonist's right arm, near the wrist. His Lordship discharged his pistol in the air. Mr. Bentinck, on seeing the condition of Lord Castlereagh, declared that, as his friend was wounded, the affair could not be carried further.

BETWEEN MR. MIRFIN AND MR. ELIOT.

August 22, 1838.

A duel, arising out of a dispute which took place at the Saloon in Piccadilly, was this day fought on Wimbledon Common, in a ravine about two hundred yards from the mill, between Mr. Mirfin, formerly a linendraper residing in Tottenham-court Road, and Mr. Eliot. The parties fired at a distance of twelve paces. At the first shot the ball of Eliot went through Mirfin's hat. The seconds immediately interfered; but the latter objected, and insisted on having a second shot. The pistols being reloaded, the parties again fired, when Mirfin fell. He was immediately attended by Mr. Scott, a surgeon. His death was nearly instantaneous. The body of the deceased was then placed in a cab, and, at the dusk of the evening, brought to his residence in town. An inquest, which lasted four days, was held on the body, at the Tankard Tavern, Brooke Street, Kennington Road, Lambeth, before the coroner, Mr. Carter, and a jury of fifteen of the principal inhabitants of the district. The following are the leading points of the evidence that was adduced.

Thomas Dunn, the owner of the mill on Wimbledon Common.—" The first thing I saw, when the parties arrived in the ravine, was a carpet-bag, from which was taken a box containing

some pistols. Five persons were standing together, and another alone on my left, and a second about two hundred yards more to the left on the hill. While the pistols were loading, the one on my left, who was the person who shot the deceased, came up to me and said, 'Good morning!' I said, 'It appears to me those gentlemen have some difference to decide.' He answered, 'Oh! damned nonsense, it's only a bet for a hundred pounds.' I replied, 'That will not do for me;' on which he passed on whistling. In a minute or two he again passed me, on which I remarked, it was a pity gentlemen could not settle their differences in a better way; when he said, 'Oh! damned nonsense, I am used to it, and am one who is going to fight.' A halfpenny or penny-piece was then tossed up, as I suppose, for the choice of pistols, or the ground. As the man who shot the other was going to the place, one of the party went up to him and said, 'You are all right: you have nothing to fear.' I saw both parties present their pistols, and heard two reports. Shortly after, I again heard the pistols discharged. Directly after, the gentleman who had spoken to me came towards me, and said, 'I have done for the ——.' I at that moment saw the deceased falling. I went to him and saw him stripped; when I saw a wound resembling that from a ball. All except one, who was engaged in pinching up the wound, left the

ground. I said to him, 'I fear he is a dead man.' The carriages all left, except the hired cab. The deceased was dead when I left the spot."

George Clark, the cabman.—"I was on the stand at the Elephant and Castle on Wednesday last, about a quarter past five in the afternoon, when I saw two gentlemen in a gig, and one standing on the path. I pulled over, when the latter gentleman, Mr. Scott, surgeon, of Rockingham Row, got in. On reaching Wimbledon Common, we saw a carriage drawn up; it had post-horses: and there was a stanhope as well. The gentleman then got out of my cab. In a few minutes, I heard the report of fire-arms; on which, I and the postillion ran towards the spot. When we reached it, the deceased had fallen, and the parties had all left, except Mr. Scott and the deceased. The gig came up with a gentleman, who, jumping out, ran down the hollow. On his return he said, 'He 's dead!' and again jumped into the gig. I seized the horse's head, and said, You must not leave him so; what can I do?' when he said, 'It 's my horse and gig;' and, on my trying to prevent him, he struck the horse and forced himself away. Mr. Scott told me to bring my cab. I said I could not bring it down the hollow; on which, the body was brought up, and placed in my cab. Mr. Scott then got in; and I said, 'Where am I to go to?' He said, 'Across the common, to a friend's house.' I refused, how-

ever, to drive him, unless the body was taken to the deceased's residence: when he told me to drive to Pleasant Place; where, on my arrival, it was taken into the parlour."

Mr. Scott, the surgeon.—"After the first fire, the seconds both interfered, and wished to reconcile the parties. Mr. Mirfin said, he would receive nothing but a written apology; which Mr. Eliot refused to give. Mr. Mirfin then insisted upon a second fire. After he had fired, he walked about six paces towards me, and said, 'I am wounded!' I said, 'Where? I am exceedingly sorry to hear it.' He then raised his finger to show me where he was wounded. I then shook my head, and said, 'Good-b'ye. God bless you!' and he said, 'Good-b'ye, old fellow!' Mr. Broughton came up, and said, 'What shall I do?' I said, 'Leave as quickly as possible.' The other parties quitted the ground, without rendering any assistance. After they had been gone about five minutes, a tall gentleman returned, and asked how he was going on? I replied, 'He is dying.' This was one of the parties who had been present. Mr. Mirfin died ten minutes after he had received the shot. I asked him to wait, observing, that he could not be in a worse situation than I myself was. He promised to remain; but quickly ran or walked away towards the mill. I never saw him afterwards."

The room was cleared, and, after about fifty

minutes' deliberation, the foreman announced to the coroner, that they had come to a verdict of "Wilful murder" against Francis Lionel Eliot, as principal; and John Young, Henry Webber, Edward Delves Broughton, and two other persons unknown, as principals in the second degree. Warrants were immediately made out and issued for the apprehension of the parties.

On the 21st of September, their trial came on at the Central Criminal Court. Eliot and Broughton did not appear; but Young and Webber took their places at the bar. Mr. Bodkin said, that in consequence of the illness of Mr. Clarkson, who was Broughton's counsel, it had been thought desirable that he should not surrender. The prisoners having pleaded "Not guilty," Mr. Chambers opened the case for the prosecution, and called the various witnesses. At the close of the case for the prosecution, Mr. Adolphus addressed the jury in behalf of Webber, and Mr. Phillips in behalf of Young. They both maintained, that there was not a tittle of evidence to show that either of them had any participation in the unfortunate occurrence. Several witnesses spoke to their character; which was described as being of the most humane description.

Mr. Justice Vaughan then charged the jury. He said, that the case, in his own opinion, presented no point of difficulty. The question for them to determine was, whether the prisoners at the bar

had gone down for the purpose of aiding and encouraging Mr. Eliot. If they entertained any doubt upon that point, they were bound to give them the benefit of that doubt. There were, undoubtedly, he observed, some peculiarities in the present case, which did not belong to any other case of duelling with which he was acquainted; and that peculiarity was, the fact of so many persons having been mixed up with the transaction. With regard to the manner in which it was conducted, it did not appear that any unfair advantage had been taken by either party. On the contrary, as far as he knew anything of such matters, the affair appeared to have been managed with a strict regard to the practice usually followed on similar occasions.

The jury, after retiring about twenty minutes, brought in a verdict of "Guilty." The foreman then said, that he had been desired by his brother jurors to express the horror they felt at the conduct of Mr. Scott; and to say, that, in their opinion, he ought to have been placed at the bar along with the prisoners. Mr. Justice Vaughan said, he quite agreed with the jury as regarded Mr. Scott. Mr. Chambers said, he was instructed by the brother of the deceased, who had felt it his duty to institute this prosecution, to recommend the prisoners to mercy, on account of the excellent character they had received. Mr. Justice Vaughan said, the recommendation should be

attended to; but for the present the Court would order, that sentence of death should be recorded against the prisoners, and they would from that understand that their lives would be spared. The sentence of death was afterwards commuted to twelve months' imprisonment in Guildford gaol; the last month to be passed in solitary confinement. Eliot and Broughton had escaped abroad. The parties appealing to this barbarous code of refined honour could, apparently, claim only a very doubtful gentility. Eliot was the nephew of an innkeeper at Taunton, and recently an officer in the British Auxiliary Legion in Spain; Mirfin was the son of a mercer at Doncaster, and had kept a linen-draper's shop in Tottenham-court Road; and Young was the son of a brick-maker at Haddenham, near Aylesbury. The disgusting exhibition at Wimbledon in this case is believed to have done much to bring the practice of duelling into ridicule and detestation.

BETWEEN THE MARQUIS OF LONDONDERRY AND MR. GRATTAN.

January 13, 1839.

In consequence of some expressions which were made use of by the Marquis of Londonderry in the House of Lords, in reference to a speech reported to have been made by Mr. Henry Grattan at a public meeting in Dublin, Mr. Grattan

addressed a letter of inquiry to the Marquis, to which the following answer was returned :—

" Holdernesse House, June 12.

" Lord Londonderry presents his compliments to Mr. Henry Grattan. Lord Londonderry read, in his place in the House of Lords, an extract from the reports of the newspapers of a speech of Mr. O'Connell's, stated to have been made at a public meeting in Dublin, to address the Queen ; in which accusations were made against that party to which Lord Londonderry is proud to belong. The paragraph Lord L. cited is as follows : —' Mr. Grattan had said, that her Majesty's life would not be safe if the Tories came into power ; and he (Mr. O'Connell) declared solemnly he was convinced she would not live six months, if that event took place.' Lord Londonderry at once admits, if these sentiments are accurately reported, accusing the Tory party of the intention of murdering the Queen, he considers them as base and infamous. It was to such accusations Lord Londonderry's epithets applied."

In a second letter, Mr. Grattan begged to say, that he was not accountable for any opinion or expression in Mr. O'Connell's speeches. As he had not alluded, in any speech of his, in any way to Lord Londonderry, he requested his lordship would distinctly say, whether he intended that the words 'base' and 'infamous' should be applied

to him? In answer to this letter, Lord Londonderry observed, that, unwilling as he should be to fix upon any individual the responsibility of having uttered such sentiments as those reported in the public accounts of the meeting to which he alluded, he must adhere to the opinion he had already expressed, as applying to any individual who was prepared to avow such language. The epithets complained of were, he said, applied, not to individuals, but to injurious accusations reported to have been publicly uttered against a political body; and since there was no disavowal, on Mr. Henry Grattan's part, of the language and sentiments reported to have been used, Lord Londonderry regretted he could not recede from the opinions he had already expressed.

In consequence of this correspondence, a meeting was arranged, which took place this day, at three o'clock, on Wimbledon Common. Upon the signal being given, Lord Londonderry received Mr. Grattan's fire, and fired in the air. Mr. Bodkin, on the part of Mr. Grattan, then expressed himself perfectly satisfied, and the affair terminated.

BETWEEN LORD POWERSCOURT AND MR. ROEBUCK.

February 28, 1839.

A hostile meeting took place this day at Coombe Wood, between Lord Powerscourt and Mr. Roebuck; the former attended by the Ho-

nourable H. Fitzroy, and the latter by Mr. Trelawney. On the ground endeavours were made in vain to prevent proceeding to extremities; Lord Powerscourt's second insisting on Mr. Roebuck's retracting, or apologising for, certain words delivered in a speech at Bath. Mr. Roebuck received his adversary's fire, discharged his pistol in the air, and, advancing to Lord Powerscourt, said, "Now, my lord, I am ready to make any apology your lordship may suggest; for certainly, in my speech at Bath, I did not mean to imply anything personally offensive." With this declaration all parties being satisfied, the affair terminated.

BETWEEN LORD GEORGE LOFTUS AND LORD HARLEY.

December 10, 1839.

A duel was this day fought near Boulogne, between Lord George Loftus and Lord Harley. Shots were exchanged without effect; and the parties returned to Dover on the evening of the same day. The affair originated in certain expressions used by Lord George Loftus towards Lord Harley, on occasion of Lord Harley's presenting himself to the notice of Lord George, and claiming an acquaintance, of which Lord George had no recollection whatever. Lord Harley stated, that his introduction to Lord George had been at the instance of his brother, Lord Loftus; and, on the faith of this statement, Lord

George's second retracted, in his name, the expressions that gave the offence.

BETWEEN LORD WILLIAM PAGET AND MR. FISKE.

December 20, 1839.

A meeting took place on Wimbledon Common between Lord William Paget and Mr. Thomas Fiske. The former was attended by Captain Baillie, of the Lancers; and the latter by Mr. Nightingale. Mr. Fiske received his lordship's fire, and fired in the air; when the seconds interfered. It appears that Lord William had called upon Mr. Fiske to deny that he had ever lent money to his lordship, as had been stated in a morning paper; which request was refused to be complied with, on the ground of its being accompanied by a threat: but, after receiving his lordship's fire, he had no hesitation in declaring, in the presence of Captain Baillie and Mr. Nightingale, that he never had lent any money to his lordship.

BETWEEN MR. WYNN AND MR. BROWN, IN A STAGE-COACH.

May 17, 1840.

The following is from a New York paper:—On the 17th of May, two persons, one named Robert Wynn, and the other Joseph D. Brown, quarrelled in a stage-coach between Peru and Chicago,

Illinois. Both drew their pistols, fired, and killed each other. One was shot in the head; the other in the heart. They were the only passengers.

BETWEEN M. THROUET AND M. PAULIN PRUÉ.

June, 1840.

The following account of a frightful duel fought near New Orleans, is from the Courier de la Louisiane:—A meeting, as atrocious in the mode of conducting it, as it was disastrous in its result, has just taken place between M. Hippolyte Throuet and M. Paulin Prué, both Frenchmen by birth, and long resident in this city. It originated in a bitterly contested law-suit, and took place in the following manner. The principals were placed at five paces distant from each other, back to back, with a pistol in each hand. At a signal agreed upon, they were to turn round and fire. At the first discharge they fired together, but without effect. Prué then took his second pistol into his right hand; but so precipitately, that it was discharged in the air. Seeing himself thus exposed, without any means of defence, to his adversary's fire, he presented his bosom to him, and said, "Fire!" Several of the bystanders, of whom there were a great number, trembling for the fate which awaited the disarmed man, cried out from their places, "Don't fire!" but the seconds interposed, and, demanding who dared to interfere in a matter of the sort, invited Throuet

to discharge his pistol against his opponent. Throuet needed not the invitation; but, having kept both Prué and the bystanders for a considerable time in a state of the most painful suspense, still holding Prué covered with his pistol, and grinning ferociously, fired at last, and, the ball passing through Prué's body, he died instantaneously.

BETWEEN MR. ANTONIO GARBONIA AND MR. KECHOFF. July 4, 1840.

A meeting took place in one of the Kilburn fields, adjoining the New North-road, St. John's Wood, between Mr. Antonio Garbonia and Mr. Nicholas Kechoff. On the first fire Mr. Garbonia received his antagonist's ball in his left groin, and fell. Mr. Kechoff advanced to the wounded man, shook hands with him, and immediately quitted the ground with his friends. The cause of the meeting arose from disputed betting at a billiard-table.

BETWEEN THE EARL OF CARDIGAN AND CAPTAIN HARVEY GARNETT PHIPPS TUCKETT. September 12, 1840.

In consequence of the Earl of Cardigan having ascertained, that certain letters which had recently been published in the Morning Chronicle, reflecting, as his lordship considered, on his character as an officer and a gentleman, were written by Lieutenant Tuckett, late of the 11th regiment of Dra-

goons, of which his lordship is Lieutenant-Colonel, the noble Lord sent him, through Captain Douglas, a challenge. This was accepted, and Captain Wainwright, of the Half-pay, was selected by him to arrange the preliminaries. An apology was demanded by the noble Earl; to which the reply was, that if he would deny the allegations contained in the letters referred to, it should be given. Lord Cardigan declared that certain portions were true; but that the greater part were calumnies. On this the apology was refused, and a meeting was the consequence.

It took place on the afternoon of Saturday, the 12th of September, on Wimbledon Common. The first shot was ineffectual on both sides: on the second, Mr. Tuckett received his adversary's ball in the back part of the lower ribs, which traversed round to the spine. As Lord Cardigan and his second were moving off after the duel, they were taken into custody, but liberated on bail being given to the police for their appearance before the magistrates at Wandsworth on Monday: when Sir James Anderson deposed, that, after the removal of Mr. Tuckett to his house, he made an examination, and found that a pistol bullet had entered on the upper part of his right hip-bone, slightly shattering it, had passed transversely, and come out over the spine of the back-bone. He said he had visited the patient again on Sunday, and saw no symptoms of present danger. The

magistrates decided, that, as the case was one of a serious nature, they could not be contented with ordinary recognizances, but should order the Earl of Cardigan to enter into his own recognizance in the sum of a thousand pounds, and Captain Douglas in the sum of five hundred, to ensure their reappearance before that bench on Monday, the 28th.

The following statement of this affair was published by Lord Cardigan:—"Lord Cardigan having been informed, upon good authority, that the editor of the Morning Chronicle, upon application being made to him for the name of the writer of a letter dated the 3rd of September 1840, signed 'An Old Soldier,' which appeared in that paper of the 4th of September, had stated it to come from Mr. Harvey Tuckett, Captain Douglas, at the request of Lord Cardigan, waited upon Mr. Tuckett, on the 11th instant, to demand satisfaction. Mr. Tuckett acknowledged himself the author, and requested time to go into the country, to consult Captain Wainwright as his friend. On Saturday, the 12th instant, Captain Douglas met Captain Wainwright, when the latter solicited in writing the grounds upon which Lord Cardigan demanded satisfaction of his friend Mr. Tuckett. Captain Douglas delivered, about half-past two, P. M., the following statement, viz.—

"'Lord Cardigan yesterday authorised Captain Douglas to require of Mr. Tuckett to afford him

satisfaction, in consequence of a letter, of which Mr. Tuckett has avowed himself the author, and which appeared in the Morning Chronicle of the 4th instant, signed 'An Old Soldier;' many parts of which contained matter entirely false, and the whole of which was slanderous, insulting, and calumnious. "'CARDIGAN.'"

"London, September 12."

September 28.

Lord Cardigan, his second, and the second of Lieutenant Tuckett, were brought before the bench of magistrates at Wandsworth, and were all committed to take their trial at the ensuing sessions of the Central Criminal Court. The charge, as against the noble Lord, was for "shooting with a pistol at Lieutenant Harvey Tuckett, with intent to murder or do him some bodily harm;" and, as against Captain Douglas and Captain Wainwright, for aiding and abetting, in the character of seconds. Lord Cardigan was admitted to bail on his own recognizance of 2000*l.*, and two sureties of 1000*l.* each; and the two other prisoners were required severally to give bail in the sum of 500*l.*, and two sureties in 250*l.* each. The parties were then bound over to appear and prosecute the prisoners at the ensuing sessions.

October 14.

Lieutenant Tuckett being sufficiently recovered to appear before the magistrates of the Wands-

worth Court, a special session was this day held, for the purpose of entering into his examination, on the charge of shooting at the Earl of Cardigan, with intent to murder him. The former evidence having been read over, he was fully committed to take his trial upon the charge of felony, and ordered to enter into his own recognizance in the sum of 1000*l.*, and two sureties in 500*l.* each.

October 21.

At the session of the Central Criminal Court, Mr. Adolphus, in behalf of the Earl of Cardigan, this day begged leave to ask the judges on the bench a question, before their lordships proceeded to the business of the day. He found, he said, that on the list of causes to be tried, there appeared against the seventh, the name of James Thomas Brudenell, Earl of Cardigan. Now, Lord Cardigan, being a peer of the realm, could not be tried in that court. He therefore submitted, that the name of the noble Earl should be taken from the list. Mr. Justice Bosanquet and Mr. Justice Erskine agreed, that the course would be to remove the indictment, by a writ of certiorari, into the Court of the Lord High Steward, and that it would be very inconvenient to try the case of Captain Douglas before that of Lord Cardigan. It was finally arranged, that the recognizances of all the parties should be respited until the next session.

February 16.

TRIAL OF THE EARL OF CARDIGAN, BEFORE THE HOUSE OF LORDS, IN FULL PARLIAMENT, FOR FELONY.

A little before eleven o'clock, Lord Denman, in the absence of the Lord Chancellor, on account of indisposition, entered the House of Lords in his robes, preceded by the Sergeant with the mace, Black Rod carrying the Lord High Steward's staff, and Garter with the sceptre, and took his seat on the woolsack as Lord Speaker. After prayers the roll of peers was called over, beginning with the junior Baron; after which, the Clerk of the Crown in Chancery delivered the commission to the Lord Speaker, who gave it the Deputy Clerk of the Crown in the Queen's Bench to read; which he did, the peers standing. The commission authorised their lordships to proceed with the trial of James Thomas Earl of Cardigan, on an indictment found against him for felony, which had been removed before them by certiorari, and appointed Lord Denman Lord High Steward. After the writ of certiorari and the record of the indictment had been read, proclamation was made for the Yeoman Usher to bring the Earl of Cardigan to the bar. On approaching it, he made three reverences, and knelt till directed by the Lord High Steward to rise. He then made three reverences, one to the Lord High Steward, and one to the peers on each side: after

which, he was conducted to the stool provided for him within the bar, near to his counsel. The Lord High Steward informed him, that he was charged with the offence of firing with a loaded pistol at Harvey Garnett Phipps Tuckett, with intent to murder him; in a second count with firing with intent to maim and disable him; and in a third count with firing with intent to do him some grievous bodily harm. Being then arraigned by the Deputy Clerk of the Crown, and asked whether he was guilty of the said felony, and how he would be tried, the Earl answered, "By my Peers." The Attorney-General and Mr. Waddington appeared as counsel for the prosecution; and Sir William Follett, Mr. Serjeant Wrangham, and Mr. Adolphus, for the Earl of Cardigan. Mr. Waddington having opened the indictment,

The Attorney-General then addressed their lordships as follows:—"I have the honour to attend your lordships on this occasion as Attorney-General for her Majesty, to lay before you the circumstances of the case upon which you will be called to pronounce judgment, without any object or wish on my part, except that I may humbly assist your lordships in coming to a right conclusion upon it, according to its merits. An indictment has been found against a peer of the realm by a grand jury of the country, charging him with a felony, the punishment of which is trans-

portation or imprisonment. That indictment has been removed before your lordships, at the request of the noble prisoner; and, I must say, most properly removed; for an inferior court had no jurisdiction to try him. The charge is, upon the face of it, of a most serious character, and it would not have been satisfactory if it had gone off without any inquiry. The policeman, however, who was bound over to prosecute, fulfilled his recognizances by appearing at the Central Criminal Court, and preferring the indictment.—It is possible, my Lords, that in the course of this trial, questions of great magnitude on the construction of acts of parliament, or respecting the privileges of the peerage, may arise, which it is of great importance to this House, to the Crown, and to the community, should be deliberately discussed. According to all the precedents that can be found, whenever a peer has been tried in parliament, the prosecution has been conducted by the law-officers of the Crown. Fortunately, we have no living memory on this subject. It is now sixty-four years since any proceeding of this sort has taken place; and I am rejoiced to think, that on the present occasion the charge against the noble prisoner at the bar does not imply any degree of moral turpitude, and that, if he should be found guilty, his conviction will reflect no discredit on the illustrious order to which he belongs. At the same time, my Lords, it clearly appears to me, that he

has been guilty of infringing the statute law of the realm, which this and all other courts of justice are bound to respect and enforce. Your lordships are not sitting as a court of honour, or as a branch of the legislature: your lordships are sitting here as a court bound by the rules of law, and under a sanction as sacred as that of an oath.

"My Lords, the indictment against the Earl of Cardigan is framed upon an act of parliament which passed in the first year of the reign of her present Majesty. It charges the noble defendant with having shot at Captain Harvey Tuckett, with the several intents set forth in the indictment. I think I shall best discharge my duty to your lordships by presenting to you a brief history of the law on this subject By the common law of England, personal violence, where death did not ensue from it, amounted to a mere misdemeanour; and, if the wounded party did not die within a year and a day, no felony was committed. The first act which created a felony where death did not ensue was the 5th of Henry IV. cap. 5. By that act certain personal injuries without death were made felonies, with benefit of clergy. Then came the Coventry Act, in the 22nd and 23rd of Charles II, whereby any person lying in wait for, and wounding another with intent to maim or disfigure, was guilty of felony, without benefit of clergy. Under both these acts no offence was committed unless a wound was

inflicted; and it was not until the 9th of George I, commonly called the Black Act, that an attempt, where no wound was given, was made a felony. By that act it was enacted, that if any person should wilfully and maliciously shoot at any person in any dwelling-house or other place, he should be guilty of felony, without benefit of clergy, although no wound were inflicted: but it was determined upon that statute,—and in fairness to the noble prisoner it is my duty to remind your lordships of it,—that unless the case was one in which, if death had ensued, it would have amounted to murder, no offence was committed under the statute. That was determined in the case of the King and Gastineaux, which is reported in the first volume of Leach's Crown Cases, page 417. In that case the law was thus laid down:—'The offence charged in this indictment is described by the statute on which it is framed, in very few and very clear words, which are — That if any person or persons shall wilfully and maliciously shoot at any person in any dwelling-house or other place, he shall be adjudged guilty of felony, without benefit of clergy. The word 'maliciously' is made to constitute the very essence of this crime; no act of shooting, therefore, will amount, under this statute, to a capital offence, unless it be accompanied with such circumstances as, in construction of law, would have amounted to the crime of murder if death had

ensued from such act. This proposition most clearly and unavoidably results from the legal interpretation of the word "maliciously," as applied to this subject; for there is no species of homicide in which malice forms any ingredient but that of murder; and it follows that neither an accidental shooting, nor a shooting in the transport of passion, excited by such a degree of provocation as will reduce homicide to the offence of manslaughter, are within the meaning of the statute; for from both of these cases the law excludes every idea of malice.' The law continued on this footing until an act was passed in the 43rd of George III, which is commonly called Lord Ellenborough's Act. This act did not repeal the Black Act, but greatly extended its operation, and among other enactments contains this:—'That if any person or persons shall wilfully, maliciously, and unlawfully shoot at any of his Majesty's subjects, or shall wilfully, maliciously, and unlawfully present, point, or level any kind of loaded fire-arms at any of his Majesty's subjects, and attempt, by drawing a trigger or in any other manner, to discharge the same at or against his or their person or persons, or shall wilfully, maliciously, or unlawfully stab or cut any of his Majesty's subjects, with intent in so doing, or by means thereof, to murder, or rob, or to maim, disfigure, or disable such his Majesty's subject or subjects, or with intent to do some

other grievous bodily harm to such his Majesty's subject or subjects, shall be guilty of felony, without benefit of clergy.' This act, however, has the following express proviso:—'Provided always, that in case it shall appear on the trial of any person or persons indicted for the wilfully, maliciously, and unlawfully shooting at any of his Majesty's subjects, that if death had ensued therefrom the same would not in law have amounted to the crime of murder; that then and in every such case the person or persons so indicted shall be deemed and taken to be not guilty of the felonies whereof they shall be so indicted, but be thereof acquitted.' Your lordships will observe, that by this act it is made a capital offence to shoot at, with intent to murder, or maim, disfigure, or do grievous bodily harm; but the offence came within the statute only when, if death should have ensued, it would have amounted to the crime of murder.

"Next came the statute of the 9th of George IV. cap. 31, which, I believe, is generally called Lord Lansdowne's Act; that noble Lord having introduced it into parliament when he was Secretary of State for the Home Department. This is entitled 'An Act to consolidate and amend the statutes relating to offences against the person.' It repeals the Black Act and Lord Ellenborough's Act, but it contains provisions similar to those of the latter. The eleventh section enacts, 'That

if any person unlawfully and maliciously shoot at any person, with intent to maim, disfigure, or disable such person, or do some other grievous bodily harm to such person, he shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon.' But this act contains the same proviso as was inserted in Lord Ellenborough's Act, 'That in case it shall appear on the trial of any person, that, if death had ensued therefrom, the same would not have amounted to the crime of murder, the person so indicted shall be acquitted of felony.' Still it remained a capital offence to shoot at with intent to murder, or maim, or disfigure, or do bodily harm, although no wound was inflicted.

"Things remained on this footing until the act was passed on which the present indictment was framed. This act, which received the royal assent on the 17th of July 1837, is the 1st of Victoria, cap. 85, and is entitled, 'An Act to amend the laws relating to offences against the person.' The preamble recites that 'it is expedient to amend so much of the act of the 9th of George IV. as relates to any person who shall unlawfully and maliciously shoot at any person, or who shall, by drawing a trigger, or in any other manner, attempt to discharge any kind of loaded arms at any person,' &c.; and by the second and third section it enacts, 'That whosoever shall stab, cut, or wound any person, or

shall, by any means whatsoever, cause to any person any bodily injury dangerous to life, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and, being convicted, shall suffer death.' Therefore, by this act, to shoot at a person and inflict a wound dangerous to life remains a capital offence; but the act of shooting, when no wound is inflicted, is no longer a capital offence, and remains a felony only, punishable with transportation or imprisonment. The fourth section enacts, 'That whosoever unlawfully and maliciously shall shoot at any person, or shall, by drawing a trigger, attempt to discharge any kind of loaded arms at any person, with intent to maim, disfigure, or disable such person, or do some other grievous bodily harm to such person, he shall be guilty of felony, and, being convicted thereof, shall be liable to be transported beyond the seas,' &c. This act contains no such provisio as is to be found in Lord Ellenborough's Act, and that of the 9th of George IV.; a circumstance which it is material your lordships should bear in mind, when you come to deliberate on your judgment with regard to the second and third counts of the indictment.

"My Lords, I am happy to say that the indictment contains no count on the capital charge: a wound was inflicted; but the prosecutor has very properly restricted the charge to firing at,

with intent, without alleging that any wound dangerous to life was inflicted. The first count charges, that the Earl of Cardigan shot at Captain Tuckett with intent, in the language of the law, to commit the crime of murder. The second count charges the Earl of Cardigan with the same act, with intent to maim, disfigure, or disable Captain Tuckett; and the third count charges his lordship with the same act, with intent to do some grievous bodily harm. It will be for your lordships to say whether, upon the facts which I shall lay before you, and which I am instructed to say can be clearly made out in evidence, each and every one of the counts must not be considered as fully established. The substance of the evidence in this case is, that on the 12th of September last the Earl of Cardigan fought a duel with pistols, on Wimbledon Common, with Captain Tuckett, and wounded him at the second exchange of shots. It will appear that, about five o'clock in the afternoon of that day, two carriages, coming in opposite directions, were seen to arrive on Wimbledon Common, and a party of gentlemen alighted from each. It was evident to those who observed what was going on, that a duel was in contemplation. The parties went to a part of the common between the road that leads to Lord Spencer's park and a windmill. The seconds made the usual preparations: the principals, the Earl

of Cardigan and Captain Tuckett, were placed at a distance of about twelve yards; they exchanged shots without effect; they received from their seconds each another pistol; they again fired, and Captain Tuckett was wounded by the Earl of Cardigan. Mr. Dann, who occupied the mill, his son, and Sir James Anderson, a surgeon, who was standing close by, went up immediately. The wound was examined, it bled freely; but fortunately — and I am sure no one rejoices at the circumstance more than the noble prisoner — it proved to be not of a dangerous nature. Mr. Dann, the miller, who was a constable, took the whole party into custody. The wound was again formally examined, and Sir James Anderson pressed that he might be set at liberty, and allowed to take Captain Tuckett to his house in London; which was immediately acceded to, upon the Captain's promising to appear before the magistrates, when he was recovered. The miller retained the Earl of Cardigan, and his second, Captain Douglas, as well as Captain Wainwright, the second of Captain Tuckett. The Earl of Cardigan had still a pistol in his hand when the miller approached him; and two cases of pistols were on the ground, one of which bore the crest of the noble Earl, and was claimed by him as his property. The parties in custody were conducted before the magistrates at Wandsworth, when the Earl of Cardigan made use of

these words :—'I have fought a duel; I have hit my man, I believe not seriously.' Then, pointing to Captain Douglas, he said, 'This gentleman is also a prisoner, and my second.' He was asked whether the person he had hit was Captain Reynolds; upon which he replied, 'Do you think I would condescend to fight with one of my own officers?' His lordship was compelled by the magistrates to enter into recognizances to appear when called upon; which he did from time to time, till at last the matter was carried to the Central Criminal Court. The witnesses I shall call before your lordships are the miller, his wife and son, and the policeman named Busain, who was at the station-house, and will speak to the declarations made by the Earl of Cardigan. I can offer no evidence respecting the origin of the quarrel. Captain Douglas is to take his trial for his share in the transaction: he, as your lordships will observe, is jointly indicted with the Earl of Cardigan. A bill was also preferred against Captain Tuckett and Captain Wainwright, but the grand jury had thrown it out. Those gentlemen, however, are still liable to be tried; and it would not be decorous to summon them before your lordships, to give evidence which might afterwards be turned against themselves when they would be on trial for their lives. I shall call Sir James Anderson, who has hitherto spoken fairly on the subject, and, I sup-

pose, will now make no objection to state all that fell within his observation.

"Upon these facts it will be for your lordships to say whether all the counts of the indictment are not fully proved and supported. With respect to the first count, it is painful to use the language which it necessarily recites; but it will be for your lordships to say whether, in point of law, the noble prisoner at the bar did not shoot at Captain Tuckett with intent to commit the crime therein mentioned. I at once acquit the Earl of Cardigan of anything unfair in the conduct of this duel. Something has been said respecting the noble Earl's pistols having rifle barrels, while those of Captain Tuckett had not such barrels. However that may have been, I have the most perfect conviction, that nothing but what was fair and honourable was intended; and that the Earl of Cardigan most probably imagined, when he carried his pistols to the field with him, that one of them would be directed against his own person. Nor do I suppose that there was any grudge, any personal animosity, any rancour or malignity, on the part of the noble Earl towards his antagonist. Whether the noble Earl gave or received the invitation to go out, I believe his only object was to preserve his reputation, and maintain his station in society as an officer and a gentleman. His lordship is in the army; he

is Lieutenant-Colonel of the 11th Hussars; and no doubt he, on this occasion, only complied with what he considered to be necessary to be done, according to the usages of society. But, if death had ensued under these circumstances, it would have been a great calamity; and, although moralists of high name have excused and even defended the practice of duelling, your lordships must consider what, in this respect, is the law of England. There can be no doubt that, by the law of England, parties who go out deliberately to fight a duel, if death ensues, are guilty of murder. It will be my duty to state to your lordships a few of the leading authorities on this point. I will mention the highest authorities known to the law of England — Hale, Hawkins, Foster, and Blackstone. Hale, in his Pleas of the Crown, vol. i. page 453, says:— 'If A and B suddenly fall out, and they presently agree to fight in a field, and run and fetch their weapons, and go to the field and fight, and A kills B, this is not murder, but homicide; for it is but a continuance of the sudden falling out, and the blood was never cooled; but if there were deliberation, as that they went on the next day,—nay, though it was the same day, if there were such a competent distance of time that in common presumption they had time of deliberation, — then it is murder.' In the first volume of Hawkins's Pleas of the Crown, c. 31,

sec. 21, the law on this subject is thus laid down: —'It seems agreed, that whenever two persons in cool blood meet and fight on a precedent quarrel, and one of them is killed, the other is guilty of murder, and cannot help himself by alleging that he was struck first by the deceased; or that he had often declined to meet him, and was prevailed upon to do it by his importunity; or that it was his intent only to vindicate his reputation; or that he meant not to kill, but only to disarm his adversary; for, since he deliberately engaged in an act highly unlawful, in defiance of the laws, he must, at his peril, abide the consequence thereof. And from hence it follows, that if two persons quarrel over-night, and appoint to fight next day, or quarrel in the morning and agree to fight in the afternoon, or such a considerable time after, by which, in common intendment, it must be presumed that the blood was cooled, and then they meet and fight, and one kills the other, he is guilty of murder. And whenever it appears, from the whole circumstances, that he who kills another on a sudden quarrel, was master of his temper at the time, he is guilty of murder; as if, after the quarrel, he fall into a discourse, and talks calmly thereon; or, perhaps, if he have so much consideration as to say that the place wherein the quarrel happens is not convenient for fighting, or that, if he should fight at present, he should have the disadvantage by reason of the height of his

shoes.' The last observation refers to Lord Morley's case, where, though a case of manslaughter, it was a circumstance strongly pressed to show that the offence was one of a deeper dye. Sir Michael Foster, in his Discourse on Homicide, says:—'Upon this principle, deliberate duelling, if death ensues, is, in the eye of the law, murder; because duels are generally founded on a feeling of revenge: and though a person should be drawn into a duel upon a motive not so criminal, but merely upon the punctilio of what the swordsmen call honour, that is no excuse; for those who deliberately seek the blood of another, act in defiance of all laws, human and divine. But if, on a sudden quarrel, they fight upon the spot, or if they presently fetch their weapons, and go into a field and fight, and one of them falleth, that is but manslaughter, because it may be presumed the blood never cooled. It will be otherwise if the parties appoint the next day to fight, or even the same day, at such an interval as that the passion may have subsided, or if, from any circumstances attending the case, it may reasonably be presumed that their judgment had controlled the first transports of passion before they engaged. The same rule will hold if, after a quarrel, the parties fall into other discourse or diversions, and continue so engaged as to afford reasonable time for cooling.' Blackstone, in his fourth volume, page 199, thus writes, when describing and de-

fining the crime of murder:—'This takes in the case of deliberate duelling, where both parties meet avowedly with an intent to murder; thinking it their duty, as gentlemen, and claiming it as their right, to wanton with their own lives and those of their fellow-creatures; without any warrant or authority from any power, either divine or human, but in direct contradiction to the laws both of God and man; and therefore the law has justly fixed the crime and punishment of murder on them, and on their seconds also.'

"My Lords, these are the highest authorities known to the law of England, and they are uniformly followed by the English judges. The most recent cases of this nature which have occurred within the last few years, are those of Sir John Jeffcott,* and the parties concerned in the death of Mr. Mirfin; and in these the doctrine I have stated to your lordships was laid down and acted upon strictly. Such, then, being the definition of murder constantly given from the bench on trials for life and death, are not your lordships to suppose that the legislature has made use of the word 'murder' in the same sense; and that when we find in Lord Ellenborough's Act, in the 9th of Geo. IV. and in this of the 1st of Victoria, the expression 'with intent to commit murder,' it means with intent to do that which, if accomplished, would amount in law to the crime of

* See pp. 327, 349.

murder? The legislature, and your lordships as part of it, must be taken to have well known what was the legal definition of murder, and to have used the expression, in a judicial act, in its legal sense. Then, my Lords, however painful the consideration may be, does it not necessarily follow, that the first count of the indictment is completely found? The circumstances clearly show that the Earl of Cardigan and Captain Tuckett met by appointment. The arrangements being completed, they fired twice; the Earl of Cardigan took deliberate aim, fired, and wounded his antagonist. He must be supposed to have intended that which he did. If, unfortunately, death had ensued, would not this have been a case of murder? The only supposition by which the case could be reduced to one of manslaughter would be, that the Earl of Cardigan and Captain Tuckett met casually on Wimbledon Common; that they suddenly quarreled; and that, whilst their blood was hot, they fought: but your lordships will hardly strain the facts so far as to say that this was a casual meeting, when you see that each party was accompanied by a second, and supplied with a brace of pistols, and that the whole affair was conducted according to the forms and solemnities observed when a deliberate duel is fought.—With respect to the second and third counts, I know not what defence can possibly be suggested; because, even if it had been a casual

meeting, and if death had ensued under circumstances which would have amounted only to manslaughter, that would be no defence to the second and third counts. I presume to assert that, on the authority of a case which came before the fifteen judges of England, and which was decided; two most learned judges doubting on the occasion, but not dissenting from the decision. The two judges who doubted, were his Grace the Lord High Steward, who presides over your lordships' proceedings on this occasion, and Mr. Justice Littledale. It would not become me to say anything of the learning and ability of the noble High Steward in his presence; but, with respect to Mr. Justice Littledale, I will say, that there never was a more learned or acute judge than he was, whose retirement from the bench the bar has lately witnessed with reluctance and regret. I therefore attach the greatest weight to any doubts proceeding from such a quarter; but the thirteen other judges entertained no doubt upon that occasion, and came to the conclusion, that, upon the fourth section of the act upon which the present indictment was framed, it is not necessary for a conviction, that if death ensued the offence should amount to murder. The case to which I refer is to be found in the second volume of Moody's Crown Cases, page 40. It was a case tried before Mr. Baron Parke, on the Norfolk Spring Circuit, in 1838.

The Lord High Steward. — "What is the name?"

The Attorney-General. — "The case is anonymous, the name of the prisoner not being given; but it is an authentic case, and the point in doubt is clearly set forth in the question submitted to the fifteen judges. I will read what is material to your lordships: — 'The opinion of the judges is requested by Mr. Baron Parke and Mr. Baron Bolland, upon two questions which arose in the Norfolk Spring circuit, 1838.' The first question only is material. The case first recites the 9th George IV. sec. 11 and 12, and the preamble and enacting part of 1st Victoria; points out the circumstance that the latter act does not contain the same proviso as is found in those of Lords Ellenborough and Lansdowne; and then submits this question for the opinion of the judges: —'Is it now a defence to an indictment for wounding with intent to maim, &c. that, if death had ensued, the offence would not have been murder, but manslaughter?' Your lordships will observe, that shooting at, with intent to maim or disable, and stabbing with the same intent, are in the same category, and must be attended with all the same rules and incidents. This opinion will therefore have the same authority as if the question submitted by Barons Parke and Bolland had been whether, on an indictment for shooting at, with intent to disable, it would be a defence to

show, that, if death had ensued, the offence would not have amounted to murder. The opinion of the judges was as follows :—' At a meeting of the judges in Easter term, 1838, they all thought it to be now no defence to such an indictment, that, if death had ensued, the offence would not have been murder, but manslaughter ; except the Lord Chief Justice, Lord Denman, and Mr. Justice Littledale.' The Lord Chief Justice and Mr. Justice Littledale, it will be observed, did not dissent, they only doubted ; but the other thirteen judges seem clearly to hold, that the plea set forth does not now amount to any defence ; and I apprehend that the judges probably reasoned in this manner,— the intention of the legislature being to make offences which before were capital, punishable only with transportation or imprisonment, the quality of the offence is not precisely the same as before ; and that if a person maims another or disables him, or does him some grievous bodily harm, even though it were an unpremeditated act, arising out of a sudden scuffle, it should nevertheless be an offence under this act, which gives a discretionary power to the court before whom the offence is tried, either to transport for fifteen years, or to imprison for a single hour. The judges, doubtless, considering this discretionary power, and the omission of the proviso which was in the preceding acts,— seeing that the capital punishment was abolished,— came

to the conclusion that the offence was committed, though, if death had ensued, it would not under the circumstances have amounted to the crime of murder. Looking to the authority of this case, I know not what defence can possibly be urged with respect to the second and third counts. I rejoice, my Lords, to think the noble prisoner will have an advantage upon this occasion, which has never before been enjoyed by any peer who has been tried at your lordships' bar; an advantage which neither Lord Lovat, Lord Byron, Lord Ferrers, nor the Duchess of Kingston could claim. He will have the advantage of the assistance of my most able, ingenious, zealous, and learned friend, Sir William Follett, who will address your lordships in his behalf upon the facts and merits of the case. This privilege is secured to the noble prisoner under that most admirable law which your lordships passed a few years ago, by which, in all cases of felony, the party accused has the advantage of addressing, through his counsel, the tribunal which is to determine on his guilt or innocence. Notwithstanding, however, all the learning, ability, and zeal of my honourable and learned friend, I know not how he will be able to persuade your lordships to acquit his noble client on any one count of this indictment. My learned friend will not ask your lordships — and if he did, he would ask you in vain — to forget the law by which you are bound. My Lord, Captain Douglas

stands on his trial before another tribunal, and his trial has been postponed by the judges, on the express ground that the same case is first to be tried by the highest criminal court known in the empire. Your lordships are to lay down the law by which all inferior courts are to be bound. I beg leave, on this subject, to read the words made use of at this bar by one of the most distinguished of my predecessors, who afterwards, for many years, presided with great dignity on the woolsack — I mean Lord Thurlow. When Lord Thurlow was Attorney-General, in addressing this House, in the case of the Duchess of Kingston, he made use of this language :—' I do desire to press this upon your lordships as a universal maxim ; no more dangerous idea can creep into the mind of a judge, than the imagination that he is wiser than the law. I confine this to no judge, whatever may be his denomination, but extend it to all ; and, speaking at the bar of an English court of justice, I make sure of your lordships' approbation when I comprise even your lordships, sitting in Westminster Hall. It is a grievous example to other judges. If your lordships assume this, sitting in judgment, why not the King's Bench ? Why not commissioners of oyer and terminer ? If they do so, why not the quarter-sessions ? Ingenious men may strain the law very far; but to pervert it, was to new-model it. The genius of our constitution says, judges have

no such authority, nor shall presume to exercise it.' I conclude, my Lords, with the respectful expression of my conviction, that your lordships' judgment in this case, whatever it may be, will be according to the law and justice of the case; and that you will preserve the high reputation, in the exercise of your judicial functions, which has so long been enjoyed by your lordships and your ancestors."— The honourable and learned gentleman then bowed to their lordships, and was about to withdraw, when he again turned to the House and said: "Will your lordships allow me to mention, that, on account of the sudden illness of my learned friend, the Solicitor-General, he is deprived of the honour of attending to-day before your lordships, as he had intended."

Thomas Hunt Dann, the miller at Wimbledon, was then examined by Mr. Waddington, and deposed to the facts, as described by the Attorney-General. He said, he consented to allow the wounded gentleman to go home, on his giving him a card, with the address of the party upon it.—After which, the Attorney-General offered to give in as evidence the card which the witness received.—Sir William Follett objected to the reading of it as evidence; and, after considerable discussion, the Lord High Steward proposed to postpone the consideration of the objection.—The son and wife of the miller were then examined; after which, Sir James Anderson being sworn,

the Lord High Steward said: —"With the permission of the House, I think it my duty to inform you, that, after the opening we have heard from the Attorney-General, you are not bound to answer any question which may tend to criminate yourself." Sir James was then thus examined by the Attorney-General: —"Of what profession are you?" — "I am a physician." — "Where do you live?"—"In New Burlington Street." — "Are you acquainted with Captain Tuckett?"—"I must decline answering that question."—"Were you on Wimbledon Common on the 12th of September?"—"I must decline answering that also." (Laughter.)—"Were you on that day called on to attend any gentleman that was wounded?"—"I must decline that again." (Laughter.)—"Can you tell where Captain Tuckett lives?" — "I must decline the question."—"Has he a house in London?"—"I decline answering that question." (Laughter.)—"Do you decline answering any question whatever respecting Captain Tuckett?" — "Any question that may criminate myself."—"And you consider answering any question respecting Captain Tuckett may tend to criminate you?" — "Possibly it would."—"And on that ground you decline?"—"I do."

John Busain, an inspector of the metropolitan police, was examined by the Attorney-General. He deposed, that he was on duty when Lord

Cardigan and Captain Douglas came to the station-house at Wandsworth, on the evening of the 12th of September.—" I bowed, and asked his business. He said he was a prisoner, he believed. ' Indeed, sir,' said I ; ' on what account ?' His lordship said, ' I have been fighting a duel, and I have hit my man ; but not seriously, I believe ; slightly, merely a graze across the back.' He then pointed over his shoulder and looked over, and said, ' This gentleman also is a prisoner ; my second, Captain Douglas.' He presented me with his card, and I saw ' The Earl of Cardigan, of the 11th Dragoons.' I then alluded to the duel, and said, ' Not with Captain Reynolds, I hope ?' and his lordship spurned the idea of fighting a duel with one of his own officers." On being desired to repeat the words of the Earl of Cardigan, the witness said, " To the best of my recollection his lordship's reply was — when I said I hoped it was not with Captain Reynolds, he stood up erect, and seemed to reject it, by his action, with the utmost disdain, and said, ' Oh, no ; do you suppose I would fight with one of my own officers ?' These were the words, to the best of my recollection."

Charles William Walthew, chemist, residing at No. 29, in the Poultry, deposed, that Captain Tuckett occupied rooms in his house, and had carried on business there for fifteen months. His residence was at No. 13, Hamilton Place,

New Road. On being asked to tell what the Captain's Christian names were, if he knew them, Sir William Follett objected to this course of examination. Their lordships, he said, observed the question put: his learned friend had asked where Captain Tuckett lived, and the answer was, No. 13, Hamilton Place, New Road, for the purpose of identifying this Captain Tuckett, who carried on business in the Poultry, with a Captain Tuckett who lived in that place. The Lord High Steward agreed that there was no proof at present that that person lived at No. 13, Hamilton Place, New Road. The examination was not proceeded with. The last witness called was Edward Septimus Codd. He said he knew Captain Tuckett, of the 11th Light Dragoons. His Christian name was Harvey Garnett Phipps Tuckett.

The Attorney-General said, he would now, with their lordships' permission, propose to read the card, upon which their lordships had been pleased to say that they would consider whether it was admissible or not. On being asked by Lord Brougham whether that was his case, he replied, that he should first wish to know whether the card was to be received or rejected. Sir William Follett requested to see the card; and, having examined it, he said he did not think it necessary to object to its being read. It was accordingly delivered in and read. Upon one

side was engraved "Captain Harvey Tuckett, 13, Hamilton Place, New Road;" and on the other was written "Captain H. Wainwright." The Attorney-General said that that was the case on the part of the prosecution.

Sir William Follett.—"This being the case on the part of the prosecution, I venture to submit to your lordships, that there is no case which calls on the prisoner for an answer; and I think your lordships will see at once, that the counsel for the prosecution have failed in proving an essential part of their case. My Lords, I apprehend it is not necessary to cite any authority to show that the prosecutor is bound to prove the Christian and surname of the person against whom the alleged offence is committed; and that if he fails to prove either the Christian or the surname, he fails in his case. Now, there is no evidence whatever to show that the person against whom the shot was discharged was Harvey Garnett Phipps Tuckett. The evidence before your lordships would rather lead to a contrary presumption, if presumption could be acted upon in a case like this. I apprehend that positive evidence must be given to prove the identity of the party. The evidence is this,—the counsel for the prosecution have called a person named Codd, who is an army-agent, and who receives the half-pay of a Captain Tuckett, who was formerly in the 11th Dragoons, and is named

Harvey Garnett Phipps Tuckett. Is there anything in this evidence to identify that Captain Tuckett with the person alleged to have been on Wimbledon Common on the 12th of September? Mr. Codd does not know where that Captain Tuckett lives; he never saw him except at his office in Fludyer Street, and at an insurance office. What is the rest of the evidence on this point? A person who lives in the Poultry says that a Captain Harvey Tuckett rents offices of him, but that he does not know where he lives. There is, therefore, not an iota, not a scintilla of evidence, to connect that Captain Tuckett with the gentleman supposed to be engaged in this transaction. I therefore submit that my learned friends have entirely failed in an essential part of the case for the prosecution. I would beg leave to refer your lordships to the case of the King v. Robinson, in Holt's Reports, p. 595, in which it is laid down that it is essentially necessary to prove the Christian and surname of the party against whom the offence is alleged to have been committed, and there is no proof of his Christian name in this case."

The Attorney-General.—" My Lords, the question is, whether there is any evidence whatever to prove the fact of the Christian name of Captain Tuckett, the gentleman wounded. If there is the smallest scintilla of evidence on this point, the prosecution cannot be stopped on the ground

taken up by my learned friend. We are now as if we were before a jury, and the learned judge who presided were called upon to direct an acquittal, upon the ground that there was no evidence for their consideration. I submit to your lordships, that there is abundant evidence to show that the name of the party wounded is Harvey Garnett Phipps Tuckett. How does the case stand? My learned friend withdrew all objection to the reading of the card. Well, then, the gentleman who was wounded by Lord Cardigan on the 12th of September, was Captain Harvey Tuckett. We have got, therefore, one of his names; and how does the case stand with regard to the rest? Am I obliged to call the clerk of the parish where he was baptised, in order to prove his baptismal register? Am I to call his father or his mother, or his godfathers or godmothers, to prove the name that was given to him at the baptismal font? I apprehend that such evidence is wholly unnecessary. I contend that, from the facts proved, there is abundant evidence to show the identity of the party wounded with Captain Harvey Tuckett. I suppose my learned friend will not deny that there is abundant evidence to show that the Captain Tuckett who was wounded lived at No. 13, Hamilton Place, New Road. One of the witnesses called there three times; he asks each time for Captain Tuckett, and each time he is introduced to a gentleman bearing that name. Your lordships, therefore, will have no doubt that

the Captain Tuckett who lives at No. 13, Hamilton Place, New Road, is the one who fought the duel with Lord Cardigan on the 12th of September, on Wimbledon Common. Now, my Lords, we go by steps. Is there any doubt that this Captain Tuckett is the Captain Tuckett who took the offices in the Poultry? At the time he did so, he gave a reference to No. 13, Hamilton Place, New Road; and your lordships will therefore feel no doubt, that there is evidence to show that the Captain Tuckett who took the place of business in the Poultry, was the same who lived in Hamilton Place. Then we have only one other stage, and that is to see whether the Captain Tuckett is the Captain Tuckett of whom Mr. Codd spoke, whose name he proved to be Harvey Garnett Phipps Tuckett, and who had been an officer of the 11th Dragoons, of which regiment the Earl of Cardigan was, and still is, the colonel."

Sir W. Follett.—"There is no proof of that whatever."

The Attorney-General.—"It was so stated, and the witness was not cross-examined. Well, then, my Lords, a Captain Tuckett, whose name is Harvey Garnett Phipps Tuckett, was proved by Mr. Codd to have been an officer of the 11th Hussars, Lord Cardigan's regiment. He gave his card, with the 11th Hussars upon it."

Sir W. Follett.—"No, no; you are quite mistaken."

The Attorney-General.—"Well, he has one name

at least corresponding with that of the Captain Tuckett who fought the duel on Wimbledon Common. Will your lordships require strict evidence of this gentleman's Christian name—evidence that will amount to a demonstration? If there is evidence from which the inference may be fairly drawn, is not that sufficient? Well, then, here is a Captain Tuckett, whose name is proved to be Harvey Garnett Phipps Tuckett, who has been in the 11th Hussars, from which he retired three or four years ago, and who receives his half-pay quarterly from Mr. Codd, his agent. May it not be fairly inferred from these circumstances, that this was the same Captain Tuckett who had offices in the Poultry, and who had fought a duel? Is there not evidence from which that identity may be fairly inferred? Is the prosecution to be stopped on the ground that there is no evidence whatever to go to a jury, or to your lordships, that this Captain Tuckett, whose name is proved to be Harvey Garnett Phipps Tuckett, is the same who was the antagonist of the Earl of Cardigan on the 12th September? I believe there is no reasonable being, who, having heard this evidence out of a court of justice, would hesitate in drawing the inference. I apprehend, that what is sufficient to convince a reasonable man out of a court of justice ought to be sufficient to convince a judge or judges sitting in a court of justice, if the inference which is to be drawn can be drawn according to the rules of evidence. Now, according

to the rules of evidence, would any person out of a court of justice doubt for a moment that this is the same individual who fought on the 12th of September? Well, then, if that inference would be drawn out of a court of justice, can it be said that in a court of justice there is not a scintilla of evidence from which such an inference can be drawn? This would be a most unsatisfactory conclusion of such a trial. Your lordships will weigh the evidence maturely and deliberately, and if you think that it is not sufficient to convict the noble Lord at the bar, of course you will acquit him, and will say, 'Not guilty, upon my honour,' but you will not stop the prosecution upon an objection like this."

Sir W. Follett.—"My Lords, I will trouble your lordships with a very few words in reply to the observations of the Attorney-General. It may be a very unsatisfactory termination of this case after all the care and trouble which has been bestowed upon the prosecution, but I apprehend that this is not a case in which the noble lord at the bar will have to appeal to the honour or the conscience of his peers. The question is, whether sufficient evidence of identity has been given. My learned friend asks whether he is to call the clerk of the parish, or the father or mother of Captain Tuckett, to prove his Christian name. Now, that is not the objection, and the Attorney-General knows it perfectly well. What we object to is, that the counsel for the prosecution have called a person

of the name of Codd, who has proved that he was acquainted with a Captain Harvey Garnett Phipps Tuckett, but there is not a scintilla of evidence to connect that Captain Tuckett with the gentleman who fought the duel on Wimbledon Common. What is the proof? Does any judge who hears me feel himself prepared to say that the fact of a Captain Tuckett having been in a particular regiment is evidence of identity in this case? My learned friend says, that if a person out of the House may fairly draw such an inference, such an inference may properly be drawn within its walls. May I ask your lordships if that is the way in which trials of this nature are to be conducted? It is possible that your lordships sitting out of the House, after all that has been said and written, might draw such an inference as that which my learned friend wishes you to make; but you are now sitting here, as if you had never heard one word of the case before. You are now sitting as judges on the evidence adduced, and you are to say whether, because a Captain Tuckett who was formerly in the 11th Dragoons has the same Christian name, he is to be identified with the Captain Tuckett who fought on Wimbledon Common. There is no evidence to show that the Harvey Tuckett mentioned in the evidence of Codd, is the same Harvey Garnett Phipps Tuckett mentioned in this indictment. Mr. Codd does not know him to be the same; he never saw him either in the Poultry or at Hamilton Place. The

whole of his evidence is this,—that he knows a Captain Harvey Garnett Phipps Tuckett, that he was in the 11th Dragoons; and that he receives for him his half-pay. There may be two Harvey Tucketts; and since my learned friend, the Attorney-General, has referred to your lordships' knowledge of what may have occurred out of doors, I would remind your lordships that in the very regiment commanded by the noble Lord at the bar there were two officers bearing the same surnames certainly, and I think the same Christian names. I submit to your lordships, that there is no evidence whatever to prove that Captain Harvey Tuckett mentioned in the evidence of Mr. Codd, is the same person as the Harvey Garnett Phipps Tuckett mentioned in this indictment; and, however unsatisfactory a termination it may be to the persons conducting the prosecution, I submit to your lordships that they have entirely failed in the proof of their identity."

The Lord High Steward.—" I stated, when this objection was first taken, that I thought strangers ought to withdraw, and I am still of that opinion. The learned counsel, however, did not object to the argument of the Attorney-General, and therefore I did not think it right to interrupt him; but I wish to say, with a view to the general administration of criminal justice, that, when similar objections are taken in a criminal court, the counsel for the prosecution is at the utmost called

upon to state what portion of evidence he believes to be sufficient to make out his case. I do not recollect any case in which an argument has been heard on the subject. I mention this as a point which may be of consequence in the practice of the courts of criminal law hereafter; and I now move your lordships that strangers be ordered to withdraw."

The counsel and strangers were then ordered to withdraw, and the Earl of Cardigan retired in the custody of the Yeoman Usher. A protestation of the Archbishop of Canterbury, for himself and the rest of the Bishops, was delivered, desiring leave to be absent when judgment was given; leave was accordingly given. After which, the objection taken by Sir William Follett was taken into consideration. After the Lord High Steward had delivered his opinion thereupon, as an individual member of the court, and declared it to be his judgment that the Earl of Cardigan was entitled to be declared Not guilty, it was moved, that the House do now proceed to give their opinion whether the said Earl is guilty or not guilty of the charge in the indictment; which, being put, passed in the affirmative. Strangers being again admitted, after proclamation made for silence, the Lord High Steward, standing up, by a list called every peer by his name, beginning with the junior Baron, and asked him, "John Lord Keane, how says your lordship; is James

Thomas Earl of Cardigan guilty of the felony whereof he stands indicted, or not guilty." Whereupon each peer, upon his name being called, standing up in his place uncovered, and laying his right hand upon his breast, answered, "Not guilty, upon my honour:" the only exception being the Duke of Cleveland, who said, "Not guilty legally, upon my honour." After all the peers had given their verdict, the Lord High Steward, standing up uncovered, declared his opinion to the same effect. The Earl of Cardigan being then brought to the bar, the Lord High Steward said, "James Thomas Earl of Cardigan, you have been indicted for a felony, for which you have been tried by your peers, and I have the satisfaction of informing you that their lordships have pronounced you not guilty, by an unanimous sentence. The number of their lordships who gave this verdict I have not precisely at this moment before me, or I should have been glad to have stated it to your lordship; but their lordships have unanimously said 'Not guilty.'" The Earl of Cardigan having retired, proclamation was made for dissolving the commission; and the white staff being delivered to the Lord High Steward by the Gentleman Usher of the Black Rod, his Grace stood up uncovered, and, holding the staff in both hands, broke it in two, and declared the commission to be dissolved.

HOUSE OF LORDS,

February 19, 1841.

In the House of Lords, on the motion that the trial of the Earl of Cardigan be printed,

The Earl of Eldon said, there were some matters connected with the subject, that ought not to pass without notice. It would be recollected that the right reverend prelates, towards the latter part of the trial, requested permission to withdraw, and did so. In a portion of the address of the Attorney-General to their Lordships, the learned gentleman made use of a certain expression, — no doubt out of his kind regard towards the noble Earl at the bar,—in which his feelings seemed to have carried him a little beyond what he originally intended. The expression to which he alluded was this:—"That he was glad that nothing of moral turpitude had occurred in this case." Now, he was perfectly prepared to say, that, in the present state of society in this country, it was difficult to suppose that it could go on as it now did, unless certain allowances were made for the feelings of respectable individuals placed in situations of great difficulty, where, perhaps, their sentiments differed materially from the line of conduct they were pursuing. No man was more ready to make that allowance than he himself was; but, even admitting that, it appeared to him that the Attorney-General, in making the observation to which he had alluded, had gone a little beyond what he ought to have done. Now, as the trial had gone off on matter totally irrelevant to that point,— as no opinion had been given by their Lordships on the

subject,—he thought it right to notice it, lest it might be supposed that their Lordships concurred in the sentiment to which he had referred. He believed their Lordships would agree with him in saying, that, in whatever situation a gentleman might be placed when driven to have recourse to duelling, it was not a custom that was sanctioned either by the law or by the moral principle of the country. Each specific case must stand between the individual, his conscience, and his God; but he could not conceive it possible how any man could pursue such a course without some delinquency being attached to the act, however the circumstances, in each particular case, might diminish the amount of it.

The Bishop of London said, he hoped it would not go forth to the public, that, if the right reverend prelates had been present at the conclusion of the trial, they would have considered themselves more than any other member of their Lordships' House implicated in any expression of sentiment made use of by the Attorney-General. If he had been present on the occasion, he would have listened to the expression of those sentiments to which reference had been made with deep regret; and he felt it his duty to state, that there was not, in the matter before their Lordships, anything, in his opinion, that called for the expression of any such sentiments on the part of the legal officer of the Crown, who filled the situation of public prosecutor on that occasion, and who, it appeared to him, had gone beyond the limits of his province in making them. He felt himself bound to say, that he entirely concurred in the sentiments which the noble Earl had thrown out; and he now expressed a strong hope, that the recent unfortunate occurrence, together with other cases which had taken place during the last few years, would induce their

Lordships, as the chief component part of the legislature, to take the question into their deep and serious consideration, and to see whether something could not be done to put an end to that which was a shame and a scandal. It was a custom derived from the barbarous ages: it was the remains of that system of chivalry, which, though perhaps it might have been of great use at the time when it prevailed, was utterly inconsistent with the manners and customs of the present day. The system in which it originated had long passed by; but it had unhappily left behind it one of its worst features in the barbarous, wicked, and unchristian practice of duelling.

The Earl of Mountcashell was of opinion, that something ought to be done on the subject of duelling; otherwise their Lordships would expose themselves, after the result of the recent trial, to the malignant aspersion, that they identified themselves with the system. He wished to know from her Majesty's government, whether the act of the 1st of Victoria was framed with intent to put an end to duelling? If so, the trial which had occurred could only be considered as a mockery of justice. If their Lordships were really of opinion that duelling ought to be put an end to, then another measure, stronger than that now in existence, ought to be adopted. No later than yesterday morning, he found by the public prints, a duel had been fought by a Mr. Marsden and a Colonel Paterson, in which one of the parties was severely wounded. He therefore thought that this was a proper occasion for noticing the subject. He was one of those who held the opinion, that by proper means duelling might be put a stop to; the more especially if measures were taken to afford just redress for the different offences out of which duels frequently arose. Some mode, he conceived, ought to be

adopted, to give due satisfaction in cases of minor offence, as well as those of a more grave and serious nature. For instance, a man received some degree of insult, and immediately called the aggressor out. Why did he thus call him out?—because the law afforded him no proper satisfaction. There was no law to prevent or punish the offence under which the challenger felt himself aggrieved. In this respect the law was extremely defective. Again, if a man's daughter was seduced, he could only sue the seducer for the worth of her services; and who would be satisfied with such a mockery of justice as that? So long, therefore, as this defective state of the law remained, so long would the system of duelling prevail. Under the circumstances which he had stated, men really did not know how to act. For instance, an officer in the army received an affront: his brother officers expected that he should go out. What was he to do? On the one side, if he went out, he was threatened with the 1st of Victoria; on the other, if he refused, he was obnoxious to the contempt of his brother officers. The unfortunate man had to choose between these two evils. He hoped and trusted that her Majesty's government would take this matter up, and that he should not be told by the noble Viscount, that he ought to introduce some measure himself. Ministers owed it to the nation itself, which called for some measure on the subject. The responsibility, in his opinion, lay entirely with them; and therefore he called on them to produce a measure that would meet the evil. If they were not prepared, let them appoint a committee to inquire into the subject. Let that committee investigate the matter as closely as possible, and report on it to the House; but let not the question be left in the state in which it was at present; for, while it thus remained, no

man in the country was safe, — no man was exempt from being placed in fearful jeopardy. He should conclude by asking whether it was the intention of her Majesty's government to propose any measure to parliament for the more effectual prevention of duelling?

Lord MELBOURNE said, he was fully sensible of the great importance of the subject; but, in answer to the noble Lord's question, he had only to state, that her Majesty's government did not mean to bring forward any measure of such a nature as the noble Earl had referred to. He apprehended that the noble Earl, on a more mature consideration of the subject, would find that the actual state of the law was not deficient in force, and that it was hardly capable of being made more stringent that it was at present.

The following is the paragraph in the morning paper, referred to by the Earl of Mountcashell:—

"Yesterday a hostile meeting took place between Colonel Paterson, of the East India service, and Robert Mark Marsden, Esq. of Park Lodge, Regent's Park. The parties met in a field at the back of the Eyre Arms tavern, at daybreak, and exchanged shots without effect. The seconds then interfered, and endeavoured to reconcile the gentlemen; but, not succeeding, the parties were again placed on the ground. At the second fire the ball from Mr. Marsden's pistol took effect on the right side of the gallant Colonel, which was severely shattered. The affair then terminated."

This fresh violation of the act of the 1st of Victoria, and the notice taken of it in the House of Lords, drew,

from the Editor of the Times journal, the following powerful remarks:—

"The 'practical establishment' of the doctrine, that to fight a duel is not to commit a felony, which certain of our contemporaries have discovered in the acquittal of the Earl of Cardigan, upon a point of form, by the House of Lords, seems to be bearing early fruits. It is in vain to expect that magistrates will do their duty in these cases, if they get nothing but ridicule for their pains, and meet with no co-operation from the law-officers of the Crown. We call upon the noble Secretary of State for the Home Department, therefore, as the chief of the police magistracy, to take care that an inquiry be instituted without delay into the truth or falsehood of this shameless advertisement of felony; and if these persons, named Paterson and Marsden, really have committed the crime imputed to them, to put the machinery of justice in motion for their conviction and punishment.

"No more disgraceful or demoralising spectacle can possibly be exhibited before the eyes of a people than the accommodation of the laws, or the submission of their administrators, to the popular crimes of the higher classes. Let the Attorney-General say what he will, a crime is not divested of its inherent moral turpitude by the frequency or the impunity with which it is committed; nor does felony cease to be a crime when the felon is countenanced, or even stimulated to the act, by the class-opinion of the circle which forms 'his world.' Every class has in it an aggressive self-centring principle, which aspires to ride rough-shod over society, and chafes under the restraint of law. It is the very object of law to bind together all these discordant interests, by restraining the eccentricities

of each, and compelling each to submit its own opinion to the central intelligence, which consults for the common good.

" What the effect upon society in general must be, of letting it be understood, that there is a crime which must not, or cannot, be restrained or punished, because peers and ' gentlemen ' think proper to commit it, while the law declares it to be felony, we leave those to judge who know the power of example, and the aptness of the lower orders to learn evil from their betters. We are firmly convinced, that no more pernicious or anarchical principle than that of the defenders of duelling was ever broached by Chartism or even Socialism itself. ' Strict legal formality,' says a contemporary, ' brought Lord Cardigan to the bar of the House of Peers under an accusation of felony ; and strict legal formality has given him an unanimous, and, in our opinion, honourable acquittal.' All felons, we have no doubt, think the laws under which they are brought to justice are ' strict legal formalities ;' and we doubt not that they will cheerfully accept the doctrine, which renders the law ' Thou shalt do no murder,' to be as mere a ' formality,' as that which requires every one of three Christian names to be proved, in order to sustain an indictment. Lord Cardigan's acquittal is ' honourable,' no doubt, in the eyes of those who would have thought it equally honourable to be convicted, and of those alone.

" We beg to direct the attention of our readers to the important conversation which took place upon this subject yesterday evening in the House of Lords. Something, we trust, will be done to remedy the evil consequences of the late trial, ere it be yet too late."

February 23.

Lord Wharncliffe stated, in the House of Lords, that it was his intention, if no Law-Lord took up the subject, to bring in a bill to settle the point with reference to the right of a peer to plead privilege in case of a felony ; as he happened to know that, in the case of the recent trial, if a conviction had taken place, that point would have been raised.

March 3.

TRIAL OF CAPTAIN DOUGLAS.

This day, the trial of Captain Douglas, second to the Earl of Cardigan in the recent duel, took place in the New Court, before Mr. Justice Williams and the Common Serjeant. Mr. Thesiger informed the Court that the Captain now desired to surrender to take his trial. He then entered the dock, accompanied by three friends ; and, the clerk of the Court having read the indictment, he pleaded "Not guilty." On Mr. Justice Williams inquiring whether any one appeared for the prosecution, the clerk answered in the negative. Mr. Hobler, who originally had the case in hand, was in court, but had not been empowered to instruct counsel. He said he had taken measures to secure the attendance of the witnesses, when he received an intimation from the police commissioners to stay all proceedings. Mr. Justice Williams directed the trial to proceed; and the witness Dann, the miller, his wife and son, and also Busain the inspector of police, were examined, and repeated the statements made by them in the House of Lords on the trial of the Earl of Cardigan. Sir James Anderson, who attended the duellists professionally, declined, as before, to answer any questions, lest

he should implicate himself. None of the Dann family could identify Captain Douglas, and Mrs. Dann pointed him out as the wounded man. After which,

Mr. Justice Williams, addressing the Jury, said he was totally ignorant of the circumstances or causes by which it had happened that nobody appeared in behalf of this prosecution. He ought to regret it, for it had imposed upon him the somewhat arduous task of examining the witnesses, and also a certain degree of anxiety, to take care, whatever might be the cause of no person appearing to conduct the prosecution, that it should not fail for want of every witness being called, who knew anything of the transaction. It now, therefore, only remained for him to communicate his judgment as to whether any case should be submitted to their consideration. They could not close their eyes to the fact, that a duel had been fought on Wimbledon Common, on the day mentioned. The prisoner was indicted for shooting at Harvey Garnett Phipps Tuckett, and it was asserted that it should be proved that a man bearing that name was so shot at by the prisoner at the bar; but of this there was not one tittle of evidence. Moreover, none of the witnesses who saw the duel had spoken to the person of Captain Douglas. The indictment, therefore, must fall to the ground, and the prisoner was entitled to an acquittal.

The Jury immediately returned a verdict of "Not guilty."

March 12.

The Earl of Mountcashell gave notice, in the House of Lords, that he intended, shortly after the Easter recess, to call the attention of their Lordships to the subject of duelling. It was his intention to move for a committee to inquire into the causes of duelling, and to see whether

some measure could not be adopted to put an end to so censurable a practice. It was necessary, in the present state of things, that some such course should be adopted; and, if their Lordships should refuse to take any steps in the matter, he would move for the repeal of the act of the 1st of Victoria; for it was quite ridiculous to allow the law to remain as it now stood. Individuals did not know whether they might fight a duel or not; although the act of Victoria seemed to declare that any one who did fight a duel was liable to be tried as a felon. His Lordship said, he knew the difficulties that attended the subject; but that was no reason why they should not be encountered.

In the progress of the proceedings against the Earl of Cardigan, many able articles, bearing immediately upon the subject of this Work, appeared in the public journals. From the "Times" of the 11th of February, a few days previous to the trial, I copy the following address

TO THE HOUSE OF LORDS AND THEIR COMMITTEE.

My Lords,

One among the thousands in this country who look with reverence and love to the august assembly of the Peers of Great Britain, takes the liberty of addressing you on the important subject which is appointed to come under your judicial consideration on the 16th instant.

In regard to the immediate object of that inquiry I shall not trouble your Lordships. Every principle of fair play dear to an English heart, revolts at the idea of a man being taken off his guard. If it was intended to enforce an existing law in its rigour, or rather to put a construction upon it which was never contemplated, public notice ought previously to have been given of that intention. But this was not done in the case before your Lordships.

Equity, therefore, and mercy, will sit assessors with justice on the trial of Lord Cardigan.

But the sentiments and principles on the subject of duelling, avowed and acted upon in the progress of this trial, will be of far more importance in their consequences than the issue of the trial itself. An opportunity, in fact, is about to be afforded your Lordships of adding yet another benefit to the many which England has already experienced at your hands — an opportunity of stamping your past exertions in the cause of truth, religion, and civilisation, with the seals of sincerity and consistency: nay, words still stronger befit the occasion; and I fear not to say, that your Lordships stand at this moment in a situation of great responsibility, in which the eyes of the nation are fixed upon you, anxiously expecting that you will embrace this favourable occasion to interpose the shield of your influence between society and that systematic violation of its laws which has so long and so unhappily prevailed amongst us. It is on the question, therefore, of duelling, that I would now respectfully engage your Lordships' attention.

Every one will admit the absurdity of the *bathos* from the lance to the pistol,—from the grave and noble *auta da fe* which the combat of the chivalrous ages exhibited in its solemn appeal to God, as the witness and the judge of right and wrong, to the modern system, resorted to on the most trivial as well as the most important occasions, and as striking a proof of the degenerate faithlessness of the present, as the ancient custom, of which it is the distorted image, is of the simple faith and piety of the olden time.

The argument for the defence of duelling, as at present constituted, is short, simple, and intelligible. The 'van-

tage-ground of principle is conceded at once; but the world, it is contended, could not go on without it. There are points where human legislation must stop, where unwritten must take the place of written laws; society cannot be kept in check except by fear of personal consequences attendant on the violation of those unwritten laws: the system of duelling affords that check; expediency, therefore, requires the toleration of duelling.

Now, were the edifice of society founded on the shifting and variable sands of human folly and weakness, such reasoning might pass current: but if, as we believe and know, its foundations are laid deep below the waves of time and change, on the eternal and immutable rock of divine strength and wisdom, it becomes our duty to test that reasoning by the revealed will of God; and if we find it ring false (as even its advocates confess it does), then, in the confidence that the expediency consists in the resolution of human wisdom and will into the wisdom and will of God, boldly to repudiate the perversion of the doctrine usually promulgated under its name, in this as well as in every other instance, as alike sinful and cowardly in its principle, short-sighted in its views, and destructive in its operation. The Bible is the only standard of right and wrong; and we read there, "Thou shalt not do evil that good may come of it." The defence, therefore, of duelling on the ground of expediency falls to the ground; and no other defence is set up for it.

But the truth is, that society, so far from courting or needing the support of duelling, abhors and disowns a system which strikes at the very foundation of social order. Duelling is the mere foster-child of public opinion —the public opinion, moreover, not of the nation at large, but of a class, on whose sentiments and practices any

opinion expressed by your Lordships, its brightest ornaments, must necessarily possess incalculable influence. It is this influence which we implore you to exercise on the present occasion.

It is not in the indulgence of malice or revenge that the essential iniquity of duelling consists. Many a man has fought a duel with perfect innocence as regards those points. Few, I believe, take their stations in the field with the deliberate intention of "killing, maiming, or doing some grievous bodily injury" to their antagonist, as imputed to the noble Earl now summoned to your Lordships' bar for trial. Far from it. Few but would refuse a challenge, were it not for the disgrace with which such a refusal stamps the character. It has been often and truly said, that it requires more courage to refuse than to accept a challenge. It requires much for a single man to do so; but for the husband and the father, whose prospects for life may be blasted, and his wife and children reduced to beggary and wretchedness, in consequence of his refusal, the trial must be one of bitterness indeed. It is not, I repeat, in malice or revenge that the evil of the system lies. Nor need I insist upon the violation of the commandment, "Thou shalt not kill." No one will dispute, at least no man who ever saw his antagonist fall in a duel, but will remember the blow with which conscience knocked at his heart in that moment of anguish,—the distinctness with which for days and years afterwards he heard the still calm voice of God whispering in the silence of his heart's wilderness, "Where is thy brother Abel?" The evil lies deeper still. It consists in a total oblivion of that vital principle, of natural religion in the first instance, but far more emphatically so of Christianity, —a principle which *every man* who fights a duel, chal-

lenger or challenged, consciously or unconsciously violates, —a principle written in letters of light in the book of inspiration, in the following heart-stirring words, "Ye are *not your* own, for ye are bought with a price; wherefore glorify God in your body and in your spirit, which are God's." Life, then, is not a man's own property to peril at his pleasure, any more than it is his own to dismiss by suicide; and, till this principle be recognised, not as involved in the mere question of duelling, but in its full uncompromising extent, a man can never be thoroughly depended upon in the full confidence of his proving, under all circumstances, and without mental reservation, loyal to his Sovereign, faithful to his God, and true to his country.

This, my Lords, is an age of recurrence to first principles, a period unexampled in the annals of the world. The shackles of ages are falling off, and the human intellect is rising up, unconscious of its strength, and likely, in pure ignorance how to restrain and economize that strength, to rend asunder the bones, the muscles, the ligaments which are alike its prison, and the necessary instruments of its energy and activity; in other words, to burst through and destroy the whole framework of society. To preserve that framework, to discipline that awakening strength, and to direct it to those high and noble purposes, which, from the elevation on which we now stand, we may see opening out before us in long vistas, as it were, of untrodden enterprise in the map of God's providence, education must be resorted to; not that spurious education which draws its theory and its practice alike from the dust it studiously looks down upon, whose wisdom is of the earth, earthy— but that which God intended when he distinguished man from the beasts that perish, by

creating him with his face erect to heaven, in the image of his Maker. If society is to be preserved, it must be Christianized. Your Lordships have acknowledged this great truth by your exertions to preserve the Christian principle in education. England owes you much for all you have done, for all you are still doing in this great cause. But it would be mockery to hold forth the decalogue with one hand, and with the other a charter of legitimation to that spurious offspring of human vice and folly, which, involving as it does a direct transgression not of one only, but of almost every law in the decalogue, virtually annuls it. And this charter your Lordships sign—the good that you have done your inconsistency may undo—if in the remotest degree you indirectly sanction the system in question.

The expediency of enacting prohibitory laws against duelling, such as exist in some foreign countries, must necessarily be left to the wisdom of the united Houses to determine; it would probably be decided in the negative, and perhaps rightly so. But a far more efficient remedy is in your Lordships' own hands, as the highest court of honour in the kingdom,—the capital of the column of English nobility,—the sun, as it were, whose lustre and the spots that obscure its disk are alike reflected by that class of society in which the evil complained of has hitherto chiefly prevailed. Your influence on the "public opinion" of this class is immense. Let your Lordships simply declare duelling to be disgraceful, and it becomes so.

We, therefore,—for I speak but as one of a vast body who hold that Christianity and true Conservatism are synonymous,—we, who in these days of storm and tempest look to your Lordships as the sheet-anchor on which the preservation of the state depends,—we who, respecting

your wisdom, and honouring your manly daring in the vindication and assertion of truth and duty, deeply believe, however, and know with unalterable conviction, that it is God's blessing, and His only, which has hitherto maintained, or can hereafter maintain, you in your posts and in your usefulness; and who watch over you therefore with the jealousy of love, lest in aught, through inadvertence, you come short of your high and holy vocation. We call upon your Lordships, therefore, in the name of God and man, as you would be consistent with yourselves, as you hope God's blessing to rest on your labours for your country's good, to accompany the verdict you pronounce on the solemn occasion about to engage your attention with the fearless unqualified expression of your united abhorrence of the unhallowed system of duelling.

I have the honour, &c.

LÆLIUS.

The following article contains a very graphic account of a duel, from the origin down to the acquittal of the prisoner: —

THE LAW RESPECTING DUELLING.

TO THE EDITOR OF THE MORNING CHRONICLE.

SIR,

Your correspondent, whose communication on the subject of duelling you printed on Friday, must have adopted the principle which he lays down from an article in Knight's Quarterly Magazine, a periodical which was born and died some twenty years ago; but which, during its brief existence, could boast some contributors who have since risen to eminence; among others, *et facile princeps*,

the Right Honourable Thomas Macaulay, then at Cambridge—not, however, that I have the slightest reason to believe the paper to which I refer to be his. As the work is now scarce, I have made a copy of the article, which is at your service.

I am, &c. T.

Suppose a high-spirited, but good-natured, young man receives an insult. It is possible that his first, or, at least, his second impulse, may be to pass it over, and content himself with despising the brute who offered it. The brute, however, mistaking love of peace for fear of war, and glad of an opportunity of oppressing safely, repeats the aggression; the by-standers, who, to a young man, are the representatives of all mankind, past, present, and to come, begin to show by their looks that they had not expected so much philosophy. Our hero gives or sends a challenge; a "meeting takes place,"—the brute is shot dead, and nobody regrets him, not even his creditors, for they had lost all hopes.

But, in the mean time, what is the situation of the young man and the seconds? Divinity and Law have long ago settled the question — they are murderers. A warrant is issued for their apprehension; they possess, however, good friends who have spare attics, and the warrant cannot reach them. But their mothers, sisters, mistresses, and maiden aunts, who read in the papers that the coroner's inquest has returned a verdict of "Wilful murder against John Smith, Charles Jones, and William Brown," are in despair. The horrible visions of black caps, chains, and gibbets, flit before their eyes; and, in short, whole families are thrown into unaffected and very

severe affliction. In the midst of all this suffering the assizes approach, and the accused surrender themselves for trial. The "unfortunate gentlemen" (to use the phraseology of the newspapers) appear at the bar, "dressed in genteel mourning, and deeply affected with their awful situation." The counsel for the Crown details the case, lays down the law, "under the authority of his Lordship," and then concludes by telling the jury, that, "if the facts are as he has stated them, he cannot see how they will avoid pronouncing the verdict of *guilty;* but he fervently hopes that something may arise to relieve them from so painful a duty." In the examination of the evidence everybody is aware that the Judge, the counsel on both sides, and the witnesses, are straining all their ingenuity to prevent a verdict against the prisoners; and everybody sympathises with their endeavours. His Lordship, in his charge to the jury, explains to them again that every man killed in a duel is murdered; but he at the same time shows that there are some technical defects in the evidence, which he places before them in a strong light. The jury "turn round for a few minutes," and find a verdict of "Not guilty." Upon this there is considerable applause manifested among the auditory, "which meets with the marked reprehension of his Lordship," who threatens to commit the offenders. The court is now cleared, all the world is pleased to find that poor Smith is acquitted, agrees that duels are horrid things, and hopes that, as they become so common, the Judge will direct the very next man who fights one to be hanged.

In this little sketch, extravagant as it would appear to any rational being who had never heard of the practice of duelling, we have tried not to "o'erstep the modesty of nature." How we have succeeded, our readers must de-

termine; but if we have erred we shall at least have no excuse; for, judging from what has been done by others, it should seem impossible either to preach, legislate, or write on the subject without being betrayed into some absurdity.

To begin with the preachers. Does it not, we ask, perplex all our ideas of morality to call the act of killing a man who has fired at me, and who has agreed to let me fire at him, a murder? Has it anything in common with stealing to his bed at the dead of night, and stabbing him in his sleep? Try to shake hands with one murderer (if he must be so called), and then with the other; do you not feel a difference? Can you doubt for a moment which man you would rather be, whose feelings you would rather have, whose remorse you would rather bear?

To legislators we have more to say. In the first place, they have provided no practical remedy for the wrongs which are now attempted to be redressed, or at least checked, by duels. If a fellow picks my pocket of an old handkerchief, I have him transported without much trouble; but if I am held up to the scorn and ridicule of my friends, provided the artist be skilful in his profession, provided he can

"Spargere voces
Ambiguas,"

and play off "all the cruel language of the eye," I am, even in theory, without redress. Nay, he may venture to go much further, if he have legal knowledge enough to remember all the nice distinctions which have been made on the subject. For instance, he must not say I am a highwayman, but may affirm with impunity that I am worse than a highwayman; and he may load me with the

epithets of "scoundrel, rascal, villain, knave, miscreant, liar, and fool,"* as long as he pleases; unless I can show that some actual loss in money, or money's worth, has accrued to me from his defamation. So that if my character stands so high, or his character so low, that nobody believes him, he goes unpunished. But we will suppose his rage to be so excessive as not to be confined within these ample bounds—we will suppose that after carefully noting down the words in my pocket-book, and calling upon the bystanders to con them over often enough to fix them firmly in their memory until the next assizes, I go to my attorney, and he enters an action against the slanderer. In due time, I obtain a sight of the pleadings, and find that I hold myself up as a person of the highest character, and impute the ill-conduct of the defendant to his great envy of "my happy state and condition." Then the slanderous words are *set out*, as the lawyers call it, with so much verbiage, that they appear quite ludicrous even to myself. At length we come into court. My counsel affect great gravity, which does not impose on a single individual; states my case to the jury, the counsel for the defence laughing judiciously at every part of his address which is likely to produce any effect. The jury, who do not remember that an advocate may be paid for laughing as well as for talking, are, (unconsciously, perhaps,) more influenced by the smiling face than the oration. The witnesses are next examined, and another opportunity is offered for covering the whole transaction with ridicule. It is now the turn of my opponent's counsel to speak. He represents the affair as a foolish quarrel which happened a long time ago; wonders that neighbours should come to tear themselves to pieces in a court of law;

* Christian's Blackstone, vol. iii. p. 125.

takes hold of anything ludicrous in the defamatory expressions, makes the audience laugh, and sits down. Now all this, on whichever side the verdict may be given, is a real triumph to the aggressor; the public feeling is too often with him: there is nothing natural or apposite in the tribunal. The delay, the machinery, the expenses, and the formality of the proceedings, cast an air of the mock-heroic over the whole matter, very little tending to satisfy the mind of the injured party. The offence, too, was addressed to the feelings, and the recompense is one to be pocketed.

Thus it is clear that the law has provided no efficient remedy, and perhaps can provide none, for a very large class of severe injuries. But this is not all; the injured party is often willing, as far as his own private feelings are concerned, to forego any redress, and bear the aggression as he may. But society, which has made one law to punish the duellist as a murderer, has, at the same time, by another, imposed upon him the necessity of fighting. This latter law, it is true, does not frown its terrors from columns of black letter, nor is it supported by volumes of cases and commentaries; but we rather think that the want of these auxiliaries is but too well compensated by the swiftness and certainty of its administration. No waiting until the assizes or sessions—no flaws in the indictment—no cajoling the jury. Whoever defies public opinion is convicted *on view*, and punished immediately on conviction. Who, then, shall say that he does not suffer by law? and that, in fact, the two laws, one of which commands, and the other prohibits duelling, are both the offspring of society? Is it, or can it be, of the least importance to the sufferer by this tyranny, that the framers of one of these enactments call the other law wicked and absurd? It may

be absurd; the duellist may feel and think it to be so, but is he therefore to endure its punishment? Does he not act naturally, and we may even add rationally, in obeying the power which can best carry its will into execution? He knows that the penalty inflicted by the law of public opinion is certain; he knows also that it is the most galling which a man of high spirit and quick feelings can endure. On the other hand, he can be sure, even reasoning *à priori*, that two opposing laws cannot both exist in full vigour at one and the same time. But he has better evidence; he finds by his daily experience that the statute-book is almost a dead letter when it comes in contact with public opinion. Legislators, too, often forget that laws will not administer themselves. If a code of self-executing statutes could be framed, public feeling might for a time be disregarded; or if some ingenious mechanic could construct a steam-engine which, by different movements, should perform the work of judge and jury, there would then be some chance that iron laws might be enforced. But while the old plan of manual labour is pursued — while judges and juries, and witnesses and counsel, are human beings, and live in society, it will be in vain to expect from them the enforcement of edicts which run counter to all their sympathies. Let it not be supposed that we think harshly of legislators; we do not; but they have to do only with abstractions. It is easy to fulminate the terrors of the law against A, B, C, or any or all of the letters in the alphabet; but it is a very different thing to execute those threats upon real men of flesh and blood. A, B, and C, have no eyes; A, B, and C, have no hands, organs, senses, affections, passions. They are not fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the

same winter and summer as men are. "If you prick them, they do not bleed; if you tickle them, they do not laugh; if you poison them, they do not die; and if you wrong them, they cannot revenge." Poor A, B, and C, have neither mothers, mistresses, aunts nor sisters; they do not "appear at the bar in genteel mourning;" they are not "unfortunate gentlemen." In short, they can awake no sympathies; and there is no possible reason why the law should not take its course in the cases of such wicked and daring offenders, except that these abstractions cannot be caught.

With respect to one class of the community, officers in the army, the case is even more glaringly absurd and unjust; for, with regard to them, the laws of the land are actually at variance among themselves. By the Mutiny Act, the King has an "unlimited power to create crimes, and annex to them any punishment not extending to life or limb."* If, then, he shall be found to have exercised the power in the punishment of officers for not fighting duels our position will be fully proved.†

The intelligent reader must have been, at some time, struck with the mass of contradictions which, in one shape or other, has been offered to the world on the subject of duels; divines and law-givers crying murder; commentators‡ extolling the justice of laws which cannot be executed; historians§ deducing effects which they call good, from causes which they call absurd; and lastly, the world at large, admitting all that can be said against duels, some-

* Blackstone.

† See the verdict of a court-martial, holden 1818, on charges preferred against Lieutenant-Colonel Abernethie, of the Marines, for *neglecting* to demand the "*honourable adjustment*" of a dispute, and the subsequent decision of the Prince Regent on that occasion.

‡ Blackstone. § Robertson.

times demanding sanguinary punishments, which they would shrink from seeing executed, and sometimes allowing that although they are shocking things, yet they are necessary "in a certain rank of life."

While the public mind is in such a chaos, it is almost hopeless to expect any speedy amelioration, either in the law, or in popular opinion. Yet the period of improvement may not be so infinitely distant as at first sight we should be led to suppose.

The great principle of legislation, that the severity of punishment ought not to be so great as to shock the general feeling, is gradually toiling its way from the works of *theorists* (as they are called), into the heads of *practical men*, and in the course of a few ages these latter gentlemen may also be taught, that to visit with the same penalty the aggressor and his antagonist, whom he has forced into a duel, is not quite consistent with sound and enlightened maxims of justice; and, what will probably have more weight, they may discover that it is a species of legislation which cannot be carried into effect. In equally reasonable time it may be found, that what cannot be entirely abolished may be regulated. Suppose that after a duel was fought, the law condescended to inquire into the merits of the dispute, and punish him who had provoked the outrage; is it not probable that fear of legal punishment, superadded to the danger of being shot, would prevent some of those aggressions from which duels arise? Even the master of that most valuable accomplishment, the power of snuffing a candle with a pistol-bullet, might shrink from such an investigation as this, which would naturally be followed up with a severe penalty. Public feeling would offer no obstacle. The wretch who wantonly, or perhaps maliciously, puts a fellow-creature under the ne-

cessity of either suffering mental pain and degradation, or exposing his life to extreme danger, deserves no sympathy, and would receive none.

Nor ought the second, who assisted such a man, wholly to escape. To a certain degree he would be an object of public displeasure, and might therefore be visited with a punishment bearing some proportion to that of his principal. Where blame fairly attaches to both parties, then, let both be punished; but let the penalty have relation to the common feelings of mankind. It is impossible to treat the survivor in such a duel as a murderer, but he ought not therefore entirely to escape. The law as it now stands resembles Thor in *Jutenheim;* his hammer was able to beat down rocks, but he struck at shadows, and his real enemies laughed at his blows.

Much good would result from making it the duty of the coroner to hold an inquest after every duel, whether the consequences had been fatal or not. When a pistol is discharged, accident alone determines what shall be the consequence. The guilt of the shooter is just the same, whether the ball take effect or not. It is true the parties might, according to the law as it now exists, be prosecuted, and since Lord Ellenborough's Act they are liable to be capitally convicted; but it has not been made the particular duty of any public officer to see the law put into execution, and consequently nothing is done. Since, however, a great, and perhaps the greatest part of the efficacy of punishment results from the certainty of its infliction, it is evident that every temptation to violate the law, from the hope that accident will be favourable, ought to be cut off.

In the present state of society, the total abolition of duels cannot, as experience abundantly shows, be effected.

A speedy, certain, and reputable method of punishing insults must first be discovered and established. At present, with respect to those injuries, society is in a state of nature. The right of private war has only been surrendered, because the individual is better protected by the arm of the law than by his own strength. Whenever there shall be instituted a supreme court, to act as arbiter among nations, public war will, for the same reason, fall into disuse, or will only be made for the purpose of chastising a refractory member of this great community, just as the police officers may be said to carry on war against the criminals whom they apprehend. But as it would be preposterous to expect a nation to sit down quietly under its wrongs until such a court is appointed, so it is equally unreasonable to demand that private men should always refrain from redressing, by their own means, those grievances for which the law offers no remedy. By the plan which we have proposed the balance of pain would be fearfully against the aggressor; and that noxious animal, the bully, must soon become extinct. At present he stands on equal ground with his antagonist; or rather, from having made a just estimate of the worthlessness of his own life, he is aware that the stakes are in his favour. Add to this, he generally has no better occupation for his time than to become very expert at his weapons. In England, these creatures are happily become rare; but in Ireland, notwithstanding its boasted exemption from venomous animals, in France, in the United States, and in our own colonies, the breed still flourishes — at once the terror and the disgrace of civilized society.

THE END.

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